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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS
3 IN ADMIRALTY

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6 *****

7 GREAT LAKES INSURANCE SE

8 vs.

4:20-cv-40020-DHH

9 MARTIN ANDERSSON

10 *****

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15 DEPOSITION BY ZOOM OF MARTIN ANDERSSON, a witness
16 called on behalf of the Plaintiff, pursuant to the
17 Rules of Civil Procedure, before Karen D. Pomeroy,
18 Registered Diplomate Reporter and Notary Public in
19 and for the Commonwealth of Massachusetts, at 215
20 Stockton Boulevard, Sea Girt, New Jersey, on Friday,
21 June 4th, 2021, commencing at 10:02 a.m.

22

23

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0002

1 APPEARANCES:

2 MICHAEL I. GOLDMAN, ESQUIRE
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5 Brookline, Massachusetts 02446
6 For the Plaintiff

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9 MICHELLE M. NIEMEYER, ESQUIRE
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11 Michelle M. Niemeyer, PA
12 244 Biscayne Boulevard No. 3009
13 Miami, Florida 33132
14 For the Defendant

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EXHIBITS

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16

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23

24 Exhibit Attached

0004

1 MARTIN ANDERSSON,
2 having been duly remotely sworn by the
3 reporter, was deposed and testified as
4 follows:

EXAMINATION

5 BY MR. GOLDMAN:

6 Q. Good morning, Mr. Andersson. My name is
7 Michael Goldman. I'm from the law firm of
8 Goldman & Hellman. I represent Great Lakes
9 Insurance in this matter, and we're here to take
10 your deposition today.

11 I have a bit of a speech to give, just to
12 make sure we get everything right and to make
13 sure we get a good record.

14 First, we have to obey certain courtesies.
15 We must work as hard as we can to wait patiently
16 for everyone to finish speaking and then to speak
17 in our own turn. This is even more vital now
18 that we are in the Zoom age.

19 I'll ask you to wait patiently until I'm done
20 phrasing my question, and I will do my very best,
21 of course, to be patient while you give your full
22 answer.

23
24 If I get excited, please don't think me

0005

1 discourteous. It's just -- as I said, just
2 excitement on my part.

3 All your answers have to be verbal, sir. You
4 can't nod your head; you can't say uh-huh; you
5 can't shrug a shoulder; or, rather, you can do
6 all those things, but you must also speak.

7 Please don't guess, sir. If you know the
8 answer, say so. If you don't know the answer,
9 just say so. We want the clearest answers we can
10 get. If necessary, ask me to ask a better
11 question. All right.

12 Here's the warm-up. For the record, can you
13 please state your full name, your date of birth,
14 and your current residential address.

15 A. Martin Andersson. [REDACTED] [REDACTED]
[REDACTED] New Jersey.

17 Q. Are you employed?

18 A. No.

19 Q. What do you -- if you -- if you work, what do you
20 do for a living?

21 A. I -- I worked in sales.

22 Q. What do you sell?

23 A. I don't do sales. I did.

24 Q. What did you sell?

0006

1 A. I did sell custom spinal orthotics.

2 Q. Are you retired now?

3 A. Yes.

4 Q. Very good. Have you ever been deposed before
5 today?

6 A. No.

7 Q. Are you a high school graduate?

8 A. Yes.

9 Q. Any education after high school?

10 A. Yes.

11 Q. What kind of education do you have post high
12 school?

13 A. Marine academy in Sweden, and some university
14 studies in Sweden and Australia.

15 Q. Did you graduate from the marine academy?

16 A. Yes.

17 Q. What kind of degree do they issue?

18 A. They had a Swedish or an international radio
19 officer's license.

20 Q. Did you graduate from university other than that?

21 A. No.

22 Q. What classes did you take at university?

23 A. Business and marketing.

24 Q. Do you have any kind of professional

0007

1 certification?
2 For instance, us lawyers have to be admitted
3 to the Bar.
4 A. Well, I do have a captain's certificate from I
5 think early 1990. It's an international license.
6 Q. Who issued that captain's certificate?
7 A. Swedish authorities.
8 Q. Do you have any other captain's certificates from
9 any other authorities?
10 A. No.
11 Q. Do you have to do anything to maintain the
12 currency of that captain's certificate?
13 A. No.
14 Q. Where is your vessel today, sir?
15 A. I'm not sure I understand that.
16 Q. What is the name of the vessel that is the
17 subject of this litigation?
18 A. The name of that vessel is Melody.
19 Q. Do you still have that vessel?
20 A. No.
21 Q. All right. We're going to start with the first
22 document, which --
23 MR. GOLDMAN: Michelle, what exhibit number
24 did we get to with our last depo?

0008

1 MS. NIEMEYER: Twenty-eight. You should
2 start with 29.
3 MR. GOLDMAN: Splendid.
4 MS. NIEMEYER: As long as you're okay with --
5 I sent you an email. We had two 26s, and the
6 suggestion was to utilize 26A on the second
7 one.
8 MR. GOLDMAN: Splendid.
9 MS. NIEMEYER: If you're okay with that
10 solution, then we end with 28 and start here with
11 29.

12 MR. GOLDMAN: That sounds great.

13 BY MR. GOLDMAN:

14 Q. All right. Can you please turn -- I sent your
15 counsel I believe it was five PDF documents.
16 Can you turn to the exhibit which we're going
17 to mark as 29 which says at the top Application
18 Form, and it has some handwritten text.

19 MS. NIEMEYER: Michael, those exhibits in the
20 form they were produced don't have the name of
21 what it says it is.

22 Do you have a Bates number because they're
23 easier to open if we can start -- know the
24 starting Bates number.

0009

1 MR. GOLDMAN: Absolutely. The Bates number
2 for this document is Andersson_AB000132.

3 MS. NIEMEYER: Martin, do you have that
4 accessible to you right now?

5 THE WITNESS: I will try to find. Hang on.

6 MR. GOLDMAN: I can resend them all in an
7 instant if you'd like, Michelle.

8 MS. NIEMEYER: It's -- we shared them, but
9 the question would be whether, you know, Martin
10 came to this prepared to open documents on his
11 own.

12 We can share it through Zoom.

13 THE WITNESS: Hang on. 0013 -- what was it,
14 132?

15 MR. GOLDMAN: 132.

16 THE WITNESS: I have 130 and 134. Hang on.
17 Let's see if I have it somewhere else.

18 No. I don't have that.

19 MS. NIEMEYER: Martin, let me forward you --
20 I thought I sent you that email.

21 I'm going to forward you Michael's email
22 right now.

23 THE WITNESS: Okay.

24 MS. NIEMEYER: And that way --

0010

1 MR. HEAFITZ: Can you kindly copy me with
2 that.

3 MS. NIEMEYER: Yes, of course. Sorry,
4 Harvey, I thought you were copied, but I see here
5 you were not.

6 (Pause in the proceedings.)

7 MS. NIEMEYER: Martin, do you have it?

8 THE WITNESS: No. Did you send it now?

9 MS. NIEMEYER: I sent it.

10 THE WITNESS: Oh, something came now, okay.

11 MS. NIEMEYER: It should have five --

12 THE WITNESS: It says -- it says 0034 is what
13 it says. I looked for -- cannot write -- cannot
14 do it. I don't know why.

15 It won't let me open. Hang on.

16 MR. GOLDMAN: Let's go off the record while
17 we figure this out.

18 (Recess was taken from 10:11 a.m. until 10:14 a.m.)

19 BY MR. GOLDMAN:

20 Q. All right. Mr. Andersson, have you ever seen
21 this document before today?

22 A. Yes, I believe so, yeah.

23 Q. Can you tell me what it is?

24 A. Well, it's an application for insurance.

0011

1 Q. Did you fill out this document?
2 A. Not the whole of it, no.
3 Q. Which parts did you fill out?
4 A. Let me see. From this page here, the No. 7 I
5 checked off. I checked off yes first, and then I
6 crossed it out and checked no.
7 And on No. 8, I checked it off and said seven
8 months. And the other ones too following that.
9 And then down below here, I filled in my
10 details here.
11 Q. All right. Is there any part of this that anyone
12 else filled out?
13 A. Yeah, I guess somebody else must have filled it
14 out; the rest.
15 Q. Can you tell me which parts?
16 A. The rest.
17 Q. Is that everything starting with All operators
18 must be detailed?
19 A. Hang on. I've got to see if I can -- this here,
20 it says QT; this is not my writing. Private use,
21 no crew, Century Mill Road is not my writing.
22 All the way down there, 36,500 and all the
23 numbers following that below. Sail, inboard,
24 those Xs are not my Xs. Catana Sail Cat was

0012

1 typed in. Grenada, that's not my writing. And
2 Florida, what that says, Bahamas maybe,
3 Caribbean, and no passengers, that's not my
4 writing; not my circles. These answer, obviously
5 they -- the broker's writing.
6 What did you refer to you said? What was --
7 Q. I'm just asking you to identify the parts of this
8 that you did not fill out.
9 A. Well, I did that.
10 Q. Okay.
11 A. Was that enough for you?
12 Q. I believe so. Scroll down to the third page.
13 Is there anything on the third page that you
14 did not fill out? We're on the third page,
15 excuse me.
16 A. I did not write all boxes on the left where my
17 full name and all that is or my full date of
18 birth and all that.
19 Q. Okay. I see. Thank you very much. Look through
20 it again and can you tell me, please, is there
21 anything on this document that is inaccurate?
22 Let me clarify. Whether it's information
23 that you wrote in or someone else wrote in,
24 please tell me if any of the information is

0013

1 inaccurate.
2 A. At the time when I was writing this, this was all
3 accurate with the -- including the address.
4 Q. Okay. Thank you.
5 A. But I didn't write the address. That was the
6 other guy. The broker.
7 Q. Splendid. Thank you. We'll move on from this
8 document.
9 How many vessels have you owned in your
10 lifetime?
11 A. Owned?
12 Q. Owned.
13 A. Three sailboats.
14 Q. Any other type of boats?
15 A. No.
16 Q. What was the first boat you owned?
17 A. That was the Laser.
18 Q. And when did you own it?
19 A. Oh, I don't remember that. I'm 72 years old.
20 Q. Can you give us any kind of date range?
21 A. When I was 16, I joined the Swedish Navy, and I
22 start sailing there; and from then on, I owned
23 small boats, bigger boats.
24 I was part owner of a Linjett 38 or 39 and I

0014

1 sailed Swans; I was not owner. I sailed quite a
2 few boats before.
3 Q. The first boat you owned, was that in the 1980s?
4 A. No, the Laser was before that, I think.
5 Q. Okay.
6 A. I don't remember.
7 Q. I understand. What was the second boat you
8 owned?
9 A. I don't remember.
10 Q. What was the third boat you owned?
11 A. I don't remember, but I can start guessing if you
12 want.
13 Q. Not necessary.
14 A. Okay. Then I don't know.
15 Q. When did you purchase the Melody?
16 A. Melody I purchased December 2019.
17 Q. Previously you said you owned three vessels.
18 Does that include the Melody?
19 A. Yes.
20 Q. Did any of the prior vessels that you owned ever
21 suffer any loss?
22 A. No.
23 Q. Did either of them ever have a collision or an
24 allision?

0015

1 A. No.
2 Q. Did any of them ever sink?
3 A. No.
4 Q. Did any of them ever have a grounding?
5 A. No.
6 Q. Did any of them ever suffer any engine damage?
7 A. No.
8 Q. Has anyone ever been hurt aboard any of the
9 vessels you own?
10 A. No.
11 Q. Have you -- did you ever submit an insurance
12 claim relating to any of the vessels you owned?
13 A. No.
14 Q. Do you currently -- I think I may have asked this
15 already, but please forgive me if I'm repeating
16 myself.
17 Do you current -- do you hold any current
18 sailing certifications or qualifications?
19 A. Yes.
20 Q. Is that the one we discussed earlier from the
21 Swedish Navy?
22 A. Yes. No, Swedish -- it's a civil authority.
23 Q. Thank you for clarifying.
24 Prior to purchasing the Melody, had you ever

0016

1 owned a vessel that was operated in the
2 Caribbean Sea before?
3 A. Yes.
4 Q. Which vessel?
5 A. That was the Leopard 444.
6 Q. Do you remember approximately when that was?
7 A. I think we sold that one in 2017, I think, and it
8 was -- yeah, 2012 to 2017. Something like that.
9 I'm not exactly sure.
10 Q. Was that a commercial craft or a private pleasure
11 craft?
12 A. It was a private pleasure craft that was in
13 charter with what they call a -- not moorings,
14 the other one. Something.
15 Q. Can you tell me what that means, in charter?
16 A. We buy the boat; they put it in charter; they pay
17 us for the charter costs and the insurances and
18 everything, and then we have access to it and
19 other boats in their fleet.
20 Q. Who was it chartered to?
21 A. Sunsail.
22 Q. Do you know what they used the vessel for?
23 A. Renting it out to other people wanting to sail.
24 Q. At the time of the loss that is the subject of

0017

1 this suit, were you taking any medications?
2 A. No.
3 Q. When did you hire Mr. Naranjo to serve as crew
4 aboard your vessel?
5 A. I don't know exactly the date when -- when that
6 was, but I met him and had him and his family on
7 board in Aruba several times; so I don't -- I
8 can't put a date on it.
9 Q. Was it prior to December 2018?
10 A. No, it was in December 2019.
11 Q. Did he give you a resumé?
12 A. No.
13 Q. How many vessels had Mr. Naranjo owned in his
14 lifetime?
15 A. I don't know.
16 Q. How many vessels had he ever served on as crew
17 prior --
18 A. I don't know. I don't know.
19 Q. Do you know if Mr. Naranjo had ever served as
20 crew on a vessel that had ever suffered a loss?
21 A. I don't know.
22 Q. Do you know if Mr. Naranjo had ever submitted an
23 insurance claim related to a vessel?
24 A. I don't know.

0018

1 Q. Do you know if Mr. Naranjo held any formal
2 sailing certifications or qualifications?
3 A. I don't know.
4 Q. Do you know if he'd ever taken any classes on
5 sailing?
6 A. I don't know.
7 Q. Do you know if he'd ever been to a school that
8 had taught sailing?
9 A. I don't know.
10 Q. Can you please give me a description of
11 Mr. Naranjo's sailing background.
12 A. He had sailed boats when he was younger in
13 Holland and Aruba, and that was about it.
14 Q. Sailing vessels, power vessels, or both?
15 A. Sailing vessels.
16 Q. Did he ever serve as captain aboard any of those
17 vessels?
18 A. I don't know.
19 Q. Can you tell me where those vessels were when he
20 served as crew?
21 A. No, I can't. I said in Aruba and the
22 Netherlands.
23 Q. Thank you for the -- thank you for the reminder.
24 Do you know if he was responsible for

0019

1 navigating any of the vessels that he served on
2 as crew?

3 A. No.

4 Q. Do you know if Mr. Naranjo was taking any
5 medications at the time of the loss that --

6 A. He was not. He was not.

7 Q. Sir, please don't think me impolite, but
8 especially because of the Zoom format, you must
9 wait for me to finish my question.

10 Okay?

11 A. Okay.

12 Q. Thank you. First off, there's the danger of
13 misunderstanding my question.

14 Second, our court reporter has to have -- has
15 to maintain a clear record.

16 Do you understand, sir?

17 A. Yes.

18 Q. Thank you. Again, please don't think me
19 impolite. I'm just trying to make sure we have a
20 good record.

21 Where was the Melody on the morning of
22 December 14th, 2019?

23 A. In Varadero in Aruba.

24 Q. Did you do anything to plan for the voyage that

0020

1 you were about to embark on?

2 A. Yes.

3 Q. What did you do?

4 A. Provisioning; checking equipment; checking all
5 the things you do prior to taking on a voyage.

6 Q. Did you check the weather in your area before
7 departing?

8 A. Yes.

9 Q. Did you check the weather along your projected
10 route before departing?

11 A. Yes.

12 Q. What was the forecast weather along your
13 projected route?

14 A. Well, I can't remember exactly, but it was not --
15 it was not prohibitive in the way of wind and
16 swell.

17 Q. What would have been prohibitive?

18 A. Storm; gale.

19 Q. Any storm or gale or only a storm or gale with a
20 certain strength?

21 A. No, storm is a certain level of strength; and
22 gale is a more increased -- well, severe levels
23 of that.

24 Q. Can you describe those for me; for a landlubber

0021

1 like me.
2 A. Not exactly.
3 Q. What do you understand the difference to be
4 between a storm and a gale?
5 A. It depends on where you are.
6 Q. What do you understand the difference to be
7 between a storm and a gale in the Caribbean Sea?
8 A. It depends on where you are.
9 Q. What do you understand the difference to be where
10 you were on December 14th, 2019?
11 A. I decided that it was okay to go because the
12 swell wasn't that high and the wind wasn't that
13 strong.
14 Q. Prior to departing, did you identify any safe
15 ports in the event of an emergency?
16 A. My intention was to go north of -- safe distance
17 to the Venezuelan islands; so my next port would
18 have been -- if I needed one, would have been
19 Grenada or thereabouts.
20 Q. What food and water did you have on board?
21 A. What food and water?
22 Q. How much food and water did you have on board?
23 A. Enough for a couple of weeks. I have watermaker.
24 Q. How much fuel did you have on board?

0022

1 A. Oh, I can't remember now, but I had reported
2 that.
3 I filled up the tanks fully and I think -- I
4 can't remember exactly.
5 Q. Can you give me a ballpark figure to I suppose
6 the closest hundred gallons how much fuel you had
7 on board?
8 A. I think I had 200; maybe 200 gallons.
9 Q. Did you have any charts on board?
10 A. Yes.
11 Q. What charts did you have on board?
12 A. Leeward and Windward Islands and Aruba and -- ABC
13 islands.
14 Q. Did you physically plot your projected course on
15 these paper charts before departing?
16 A. No.
17 Q. Did you have a Nautical Almanac on board?
18 A. What do you mean?
19 Q. I don't know myself. I've simply heard that
20 there was a reference volume called a
21 Nautical Almanac.
22 If you know what that is, did you have one on
23 board?
24 A. No.

0023

1 Q. Did you consult any other publications while
2 planning your trip?
3 A. Yes. Not publications. Websites.
4 Q. What did you consult?
5 A. Hang on. I have it on my iPad here. I have to
6 wait until that loads up.
7 It's called PocketGrid and National Hurricane
8 Center.
9 Q. Was there any alcohol aboard your vessel prior to
10 or during the voyage?
11 A. On board?
12 Q. Yes.
13 A. Yes, it was on board, yes.
14 Q. Was any of that alcohol consumed during your
15 voyage?
16 A. No.
17 Q. What forms of emergency communications did the
18 vessel have?
19 A. Iridium satellite phone.
20 Q. Did the vessel have batteries aboard?
21 A. Yes.
22 Q. How did you keep them charged during the voyage?
23 A. With a generator.
24 Q. Did you use the generator during the voyage?

0024

1 A. Yes.
2 Q. How many GPS devices did your vessel have aboard?
3 A. Two working; one not working.
4 Q. Can you tell me the make and model of those two
5 functioning GPSs?
6 A. Not model but make. Raymarine, and I think it
7 was -- I can't remember. This is a year and a
8 half ago now.
9 But I know the Garmin was my main one.
10 That's the one that was on the starboard steering
11 station.
12 Q. Did either of these have electronic charts stored
13 on them?
14 A. Yeah.
15 Q. Did they have charts for the entire
16 Caribbean Sea?
17 A. Yes.
18 Q. Were they fully updated?
19 A. Don't know.
20 Q. Was your vessel equipped with radar?
21 A. Yes.
22 Q. For what purpose was the radar used? Navigation
23 or locating other vessels?
24 A. Both.

0025

1 Q. Am I remembering correctly that your vessel
2 departed Aruba on the morning of December 14th,
3 2019?
4 A. No.
5 Q. What time did it depart on December 14th, 2019?
6 A. Early evening. Around 5:00 o'clock. That's when
7 we cleared out with customs in Barcadera.
8 Q. So your vessel departed Aruba at about 5:00
9 o'clock in the evening; correct?
10 A. Somewhere around there, yes.
11 Q. Who was aboard the vessel?
12 A. I was on board and Ron.
13 Q. Can you tell me what time you cleared the port?
14 A. Around 5:00 o'clock. 5:00 -- could be between
15 5:00 and 6:00.
16 Q. At 6:00 o'clock in the evening on December 14th,
17 what was your vessel's course?
18 A. If it came out of there, we would have probably
19 gone east.
20 If we were out of the -- out of the
21 immigration dock. You round the corner there;
22 you go east.
23 Q. Do you remember the exact course in degrees?
24 A. No.

0026

1 Q. Did your vessel maintain that course for the next
2 30 minutes?
3 A. Yes.
4 Q. What was your vessel's speed at 6:00 o'clock in
5 the evening on the 14th?
6 A. I don't know.
7 Q. Do you know if the vessel maintained a constant
8 speed for the next 30 minutes?
9 A. Yeah.
10 Q. Do you know what the speed of the wind was at
11 6:00 o'clock on the 14th?
12 A. I don't know exactly the time that you're
13 referring to, 6:00 o'clock; I don't know the time
14 exactly, but it was -- the approximate wind was
15 easterly, northeasterly, or something like that
16 around -- because we were close to land; so it
17 changes a little bit too, but it was maybe 12, 14
18 knots or something like that.
19 Q. Did the wind continue to blow at that speed for
20 the next 30 minutes?
21 A. Yeah.
22 Q. Can you tell me what the gusting speed of the
23 wind was from 6:00 to 6:30 on the 14th?
24 A. I don't know.

0027

1 Q. Can you tell me what the sea state was between
2 6:00 and 6:30 on the 14th?
3 A. 4, 6 feet, something like that.
4 Q. Can you repeat that? Did you say 460?
5 A. 4 to 6 feet.
6 Q. Splendid. Thank you very much for clearing that
7 up.

8 Can you tell me how tall the waves or swells
9 were between 6:00 and 6:30?
10 A. I just said that.
11 Q. Can you give me -- that number, 4 to 6, is that
12 the number -- is that the feet of the swells?
13 A. Roughly.
14 Q. How long between each wave or swell?
15 A. Say again.
16 Q. Can you tell me how long between each wave or
17 swell?
18 A. No, I can't.
19 Q. Can you tell me what the direction of the wave or
20 swells were?
21 A. Not exactly, but westerly.
22 Q. Just to confirm, that means coming from the east
23 and heading west?
24 A. Correct.

0028

1 Q. Can you tell me the direction of the current from
2 6:00 to 6:30 on the 14th?
3 A. No, I cannot.
4 Q. Did the current -- was there a current from 6:00
5 to 6:30 on the 14th?
6 A. Yes.
7 Q. Do you know if it stayed the same from 6:00 to
8 6:30 on the 14th?
9 A. No.
10 Q. Did you or anyone else make any entry in the
11 vessel's logbook between 6:00 and 6:30 on the
12 14th?
13 A. No.
14 Q. Were the vessel's sails up between 6:00 and 6:30
15 on the 14th?
16 A. Don't remember. I think I motored, but I could
17 have sail up too.
18 Q. Do you know how much leeway you were making
19 between 6:00 and 6:30 on the 14th?
20 A. What do you mean?
21 Q. Well, as I understand, being a landlubber, that
22 whatever course one sets, either by sail or by
23 engine, the vessel is also pushed by the current.
24 Do you know if there was -- if you were

0029

1 pushed off your course at all by the current
2 between 6:00 and 6:30?
3 A. I don't know.
4 Q. Can you tell me what the RPM was of the engine
5 between 6:00 and 6:30?
6 A. No, I cannot.
7 Q. Can you remind me what you said the speed of your
8 vessel was from 6:00 to 6:30?
9 A. I don't know.
10 Q. Okay. Who was at the helm from 6:00 to 6:30?
11 A. Autopilot and me.
12 Q. Who was navigating the vessel from 6:00 to 6:30?
13 A. Me.
14 Q. Who was acting as lookout from 6:00 to 6:30?
15 A. Me and Ron.
16 Q. Where was Ron between 6:00 and 6:30?
17 A. I don't know. On board.
18 Q. Was he seasick between 6:00 and 6:30?
19 A. No.
20 Q. Did you or Ron consume any food or drink between
21 6:00 and 6:30?
22 A. Don't remember.
23 Q. Was the vessel's radar on?
24 A. Yes.

0030

1 Q. Was the vessel's VHF radio functioning?
2 A. Yes, it was. It was when we left, yes.
3 Q. Were the GPS units functioning?
4 A. Yes.
5 Q. Were you using them to track or record the voyage
6 between 6:00 and 6:30?
7 A. Yes.
8 Q. Between 6:00 and 6:30, do you know what the
9 closest safe port was?
10 A. Don't know the name, but we were still -- we
11 still had Aruba on the port side.
12 Q. Did you make any contact with the shore between
13 6:00 and 6:30?
14 A. No.
15 Q. Between 6:30 and 7:00, what was your vessel's
16 course?
17 A. Probably the same as between 6:00 and 6:30.
18 Q. Can you say what that was, please. Can you
19 repeat it.
20 A. Easterly somewhat. I don't know exactly, but
21 easterly.
22 Q. So you can't give a degrees on a compass; is that
23 correct?
24 A. It varies because there's an autopilot. So it

0031

1 goes maybe a few degrees here and then a few
2 degrees back.
3 So easterly direction.
4 Q. Do you remember what the vessel's speed was
5 between 6:30 and 7:00?
6 A. No.
7 Q. Do you remember what the direction of the wind
8 was between 6:30 and 7:00?
9 A. Refer to 6:00 and 6:30.
10 Q. Can you repeat what it was, please.
11 A. Whatever I said. Easterly. Wind was easterly.
12 Q. Can you repeat for me what easterly means.
13 A. The wind comes from east.
14 Q. And then blows to the west?
15 A. That would be a logical answer, yes.
16 Q. Do you remember the average speed of the wind
17 from 6:30 to 7:00?
18 A. No.
19 Q. Do you remember what the gusting speed of the
20 wind was from 6:30 to 7:00?
21 A. No.
22 Q. Do you remember the height of the waves or the
23 swells from 6:30 to 7:00?
24 A. No.

0032

1 Q. Was it different than the height of the swells
2 from 6:00 to 6:30?
3 A. No, it was not different, no.
4 Q. Do you remember the direction of the waves or
5 swells?
6 A. Same as from 6:30 -- 6:00 to 6:30. Westerly.
7 Q. What was the direction of the current from 6:30
8 to 7:00?
9 A. I don't know.
10 Q. Do you remember the speed of the current from
11 6:30 to 7:00?
12 A. I don't know.
13 Q. Did you make any entry in the vessel's log from
14 6:30 to 7:00?
15 A. No.
16 Q. Were the vessel's sails ever up between 6:30 and
17 7:00?
18 A. Don't remember.
19 Q. Do you remember if you were making any leeway
20 between 6:30 and 7:00?
21 A. Now we're back to leeway. Do you mean speed?
22 Q. Speed, but other than the course you'd set for
23 the vessel.
24 Was the current pushing the vessel in any

0033

1 direction other than the direction in which the
2 vessel was sailing?

3 MS. NIEMEYER: I'm going to object to this
4 question because you're defining something that
5 isn't leeway, but the question is about leeway.

6 MR. GOLDMAN: Okay.

7 BY MR. GOLDMAN:

8 Q. What is the definition of leeway?

9 I should rephrase that and make clear that
10 I'm asking Mr. Andersson.

11 Mr. Andersson, what is leeway?

12 A. It depends on who's asking.

13 Q. I'm asking.

14 A. You say -- leeway means to me maybe something
15 different to you.

16 Q. Well, what does it mean to you then?

17 A. But lee- -- what you're referring to here is if
18 the -- the boat made changes in the course due to
19 the current.

20 Is that the question?

21 Q. Yes, it is.

22 A. Well, that would be a good question to ask.

23 So I can say that the autopilot will
24 automatically adjust when it goes out of course

0034

1 to the course that it's set to go.

2 So it will vary maybe 5 degrees, maybe 8
3 degrees, and in bad cases maybe more; I don't
4 know.

5 Q. Were the vessel's engines in use between 6:30 and
6 7:00?

7 A. Yes.

8 Q. Remind me, how many engines did your vessel have?

9 A. It did have two.

10 Q. Were both engines in use?

11 A. Yes.

12 Q. Do you remember the RPMs of the engines at that
13 time --

14 A. No.

15 Q. -- between 6:30 and 7:00?

16 A. No. sorry.

17 Q. Who was at the helm between 6:30 and 7:00?

18 A. I was.

19 Q. Who was navigating the vessel between 6:30 and
20 7:00?

21 A. I was.

22 Q. Who was acting as lookout between 6:30 and 7:00?

23 A. I was; then Ron.

24 Q. Was Ron seasick between 6:30 and 7:00?

0035

- 1 A. No.
- 2 Q. Did you or Ron consume any food or drink between
- 3 6:30 and 7:00?
- 4 A. Don't remember.
- 5 Q. Was the vessel's radar on between 6:30 and
- 6 7:00?
- 7 A. Yes.
- 8 Q. Was the vessel's VHF radio functioning between
- 9 6:30 and 7:00?
- 10 A. Yes.
- 11 Q. Were the vessel's GPS units functioning between
- 12 6:30 and 7:00?
- 13 A. Yes.
- 14 Q. Were you using either of the vessel's GPS units
- 15 to track or record your voyage between 6:30 and
- 16 7:00?
- 17 A. Yes.
- 18 Q. Do you remember what the closest safe port was
- 19 between 6:30 and 7:00?
- 20 A. No, but I could still see land on port side.
- 21 Q. Do you know how far you were from land between
- 22 6:30 and 7:00?
- 23 A. I could guess a couple of nautical miles to
- 24 guess.

0036

- 1 Q. Did you make any contact with the shore between
- 2 6:30 and 7:00?
- 3 A. No.
- 4 Q. Did you do anything to record the vessel's
- 5 position between 6:30 and 7:00?
- 6 A. No.
- 7 Q. Was -- the autopilot was in use between 6:30 and
- 8 7:00; correct?
- 9 A. Yes.
- 10 Q. Was it ever not in use between 6:30 and 7:00?
- 11 A. I don't remember, but I would say no. It
- 12 would -- nor would you expect it to.
- 13 Q. Between 7:00 and 7:30 on the 14th, what was your
- 14 vessel's course?
- 15 A. What time was it now?
- 16 Q. Between 7:00 and 7:30 on the 14th.
- 17 A. Same as before. So easterly.
- 18 Q. What was the vessel's speed from 7:00 to 7:30?
- 19 A. Don't know.
- 20 Q. Was it ever as great as 10 knots?
- 21 A. No.
- 22 Q. Was it ever as great as 5 knots?
- 23 A. I don't know.
- 24 Q. But you're certain it was less than 10 knots?

0037

- 1 A. Yes.
- 2 Q. What was the direction of wind from 7:00 to 7:30?
- 3 A. Easterly.
- 4 Q. Do you remember the average speed of the wind
- 5 from 7:00 to 7:30?
- 6 A. No.
- 7 Q. Do you ever -- do you remember the gusting speed
- 8 of the wind between 7:00 and 7:30?
- 9 A. No.
- 10 Q. Were there any waves or swells between 7:00 and
- 11 7:30?
- 12 A. Say that again.
- 13 Q. How tall were the waves or swells between 7:00
- 14 and 7:30?
- 15 A. That's not what you asked.
- 16 Q. It is. I'm asking a different question.
- 17 A. Okay.
- 18 Q. Let me rephrase it just to make it perfectly
- 19 clear.
20 Were there any swells and, if there were, how
- 21 high were they between 7:00 and 7:30?
- 22 A. Same.
- 23 Q. Do you remember how long between each wave or
- 24 swell?

0038

- 1 A. No.
- 2 Q. Do you remember the direction of the waves or
- 3 swells?
- 4 A. Westerly.
- 5 Q. Do you remember the direction of the current
- 6 between 7:00 and 7:30?
- 7 A. No.
- 8 Q. Do you remember the speed of the current between
- 9 7:00 and 7:30?
- 10 A. No.
- 11 Q. Did you make any entry in the vessel's logbook
- 12 between 7:00 and 7:30?
- 13 A. No.
- 14 Q. Were the vessel's sails up between 7:00 and 7:30?
- 15 A. Don't remember.
- 16 Q. Were the vessel's engines in use between 7:00 and
- 17 7:30?
- 18 A. Yes.
- 19 Q. Both of them?
- 20 A. Yes.
- 21 Q. What was the RPM of the engine between 7:00 and
- 22 7:30?
- 23 A. I don't remember.
- 24 Q. Who was at the helm between 7:00 and 7:30?

0039

1 A. I was.
2 Q. Were you always at the helm between 7:00 and
3 7:30?
4 A. Yes.
5 MS. NIEMEYER: Objection to form. It's not
6 clear.
7 BY MR. GOLDMAN:
8 Q. Was anyone else at the helm between 7:00 and
9 7:30? Like Ron?
10 A. No.
11 Q. Who was navigating the vessel between 7:00 and
12 7:30?
13 A. I was.
14 Q. Was Ron ever navigating the vessel between 7:00
15 and 7:30?
16 A. No.

17 MS. NIEMEYER: I'm going to intervene.
18 I objected to form, and the reason I did is
19 because these questions are not clear as to the
20 date.
21 We had many times that the vessel passed
22 through the hours of 7:00 and 7:30, both a.m. and
23 p.m.; and just to be clear, the transcript, if it
24 was used in a -- in a snippet, it would not be

0040

1 clear what date we're talking about.
2 I just want to make sure that that's clear.
3 MR. GOLDMAN: That's clear, Michelle.
4 And let me clarify, and I'll ask
5 Mr. Andersson to go back if my clarification
6 changes any of his answers.

7 BY MR. GOLDMAN:
8 Q. Since the beginning, I've been going through
9 times on the 14th, and I'm -- I have stopped
10 saying the 14th in order to try to make this go a
11 little quicker. I will specify as soon as I get
12 to the 15th.
13 So I'll ask you, Mr. Andersson, for any of
14 your answers that we've given since 17:00 on the
15 14th, have you been giving any answers relating
16 to any other date besides the 14th?

17 A. No.
18 MR. GOLDMAN: Okay. I will be clear when we
19 get to the 15th and, Michelle, if I'm not clear
20 at that point, please jump in and say so; and I
21 will of course make sure that we're clear.
22 MS. NIEMEYER: Not a problem. I just wanted
23 to make sure that we have a clear record because
24 I can see this becoming a problem on a very large

0041

1 transcript.

2 MR. GOLDMAN: You are exactly right,
3 Michelle. Thank you for clarifying.

4 BY MR. GOLDMAN:

5 Q. Who was acting as lookout between 7:00 and 7:30
6 on the 14th?

7 A. Both.

8 Q. Was Ron seasick between 7:00 and 7:30?

9 A. No.

10 Q. Did you or Ron consume any food or drink between
11 7:00 and 7:30?

12 A. Don't remember.

13 Q. Was the vessel's radar on between 7:00 --

14 A. Yes.

15 Q. -- and 7:30?

16 A. Sorry. Yes.

17 Q. Was the vessel's VHF radio functioning between
18 7:00 and 7:30?

19 A. Yes.

20 Q. Were the two GPS units functioning at that time?

21 A. Yes.

22 Q. Were you using them to track or record the voyage
23 at that time?

24 A. Yes.

0042

1 Q. Do you remember what the closest safe port was?

2 A. No. Aruba to port side.

3 Q. Did you make any contact with the shore between
4 7:00 and 7:30?

5 A. No.

6 Q. Did you do anything to record the vessel's
7 position between 7:00 and 7:30 on the 14th?

8 A. Nothing in addition to the GPS.

9 Q. Was the vessel's autopilot in use the entire time
10 between 7:00 and 7:30?

11 A. Yes.

12 Q. Between 7:30 and 8:00 p.m. on the 14th, what was
13 the vessel's course?

14 A. Easterly.

15 Q. Do you remember what the vessel's speed was
16 between 7:30 and 8:00?

17 A. No.

18 Q. Do you remember the direction of the wind between
19 7:30 and 8:00?

20 A. East.

21 Q. Do you remember the average speed of the wind
22 between 7:30 and 8:00?

23 A. No.

24 Q. Do you remember the gusting speed of the wind

0043

1 between 7:30 and 8:00?
2 A. No.
3 Q. Do you remember the height of the waves or the
4 swells between 7:30 and 8:00?
5 A. Don't remember, but I assume it was the same as
6 the earlier one.
7 Q. Do you remember how long between each wave or
8 swell between 7:30 and 8:00?
9 A. No.
10 Q. Do you remember the direction of the current
11 between 7:30 and 8:00?
12 A. No.
13 Q. Do you remember the speed of the current between
14 7:30 and 8:00?
15 A. No.
16 Q. Did you make any entry in the vessel's logbook
17 between 7:30 and 8:00?
18 A. No.
19 Q. Were the vessel's sails up at all between 7:30
20 and 8:00?
21 A. I don't remember.
22 Q. Were the vessel's engines in use between 7:30 and
23 8:00?
24 A. Yes.

0044

1 Q. Both engines?
2 A. Yes.
3 Q. Do you remember the RPM of the engine between
4 7:30 and 8:00?
5 A. No.
6 Q. Who was at the helm between 7:30 and 8:00?
7 A. I was.
8 Q. Was anyone else ever at the helm between 7:30 and
9 8:00?
10 A. No.
11 Q. Who was navigating the vessel between 7:30 and
12 8:00?
13 A. I was.
14 Q. Was anyone else navigating the vessel from 7:30
15 to 8:00?
16 A. No.
17 Q. Who was acting as lookout between 7:30 and
18 8:00?
19 A. I was.
20 Q. Was --
21 A. And Ron.
22 Q. Thank you. Was Ron seasick between 7:30 and
23 8:00?
24 A. No.

0045

1 Q. Did you or Ron consume any food or drinks between
2 7:30 and 8:00?
3 A. Don't remember.
4 Q. Was the vessel's radar on between 7:30 and 8:00?
5 A. Yes.
6 Q. Was the vessel's VHF radio functioning between
7 7:30 and 8:00?
8 A. Yes.
9 Q. Were the two functioning GPS units still
10 functioning between 7:30 and 8:00?
11 A. Yes.
12 Q. Were you using either of those GPS units to track
13 or record the voyage between 7:30 and 8:00?
14 A. The Garmin does it.
15 Q. The Garmin?
16 A. Does it, yes. Records my -- where I'm coming
17 from. It records the trip.
18 Q. Do you still have the Garmin GPS?
19 A. No.
20 Q. Do you know who does?
21 A. Actually, no.
22 Q. Between 7:30 and 8:00, do you know what the
23 closest safe port was?
24 A. No. Aruba to port side.

0046

1 Q. Do you know how far away it was between 7:30 and
2 8:00?
3 A. Maybe couple of nautical miles. Maybe.
4 Q. Less than 10 nautical miles?
5 A. Oh, yes, yes, yes.
6 Q. Did you make any contact with the shore between
7 7:30 and 8:00?
8 A. No.
9 Q. Did you do anything to record the vessel's
10 position between 7:30 and 8:00?
11 A. Nothing in addition to the GPS.
12 Q. Was the vessel's autopilot in use the entire time
13 between 7:30 and 8:00?
14 A. Yes.
15 Q. Between 8:00 and 8:30 on December 14th, 2019,
16 what was the vessel's course?
17 A. Say that again.
18 Q. Between 8:00 and 8:30 p.m. on December 14th,
19 2019, what was the vessel's course?
20 A. Easterly.
21 Q. What was the vessel's speed?
22 A. Don't know.
23 Q. What was the direction of the wind?
24 A. Easterly. It came from the east, that is.

0047

1 Q. I understand. Thank you. I'm starting to learn
2 these terms. I appreciate your clarification.
3 What was the average speed of the wind?
4 A. Don't remember.
5 Q. What was the gusting speed of the wind between
6 8:00 and 8:30?
7 A. Don't remember.
8 Q. Were there any waves or swells between 8:00 and
9 8:30?
10 A. Yes.
11 Q. How long between each wave or swell between 8:00
12 and 8:30?
13 A. I don't know.
14 Q. What was the direction of the waves or swells
15 between 8:00 and 8:30?
16 A. Westerly.
17 Q. What was the direction of the current?
18 A. I don't know.
19 Q. What was the speed of the current?
20 A. I don't know.
21 Q. Did you make any entry in the vessel's logbook?
22 A. Not in addition to the GPS.
23 Q. Were the vessel's sails ever up between 8:00 and
24 8:30?

0048

1 A. Don't remember.
2 Q. Were the vessel's engines in use between 8:00 and
3 8:30?
4 A. Yes.
5 Q. Both engines?
6 A. Yes.
7 Q. Do you remember the RPM for the engines between
8 8:00 and 8:30?
9 A. No.
10 Q. Who was at the helm between 8:00 and 8:30?
11 A. I was.
12 Q. Was Ron ever at the helm between 8:00 and 8:30?
13 A. No.
14 Q. Who was navigating the vessel between 8:00 and
15 8:30?
16 A. I was.
17 Q. Was Ron ever navigating the vessel between 8:00
18 and 8:30?
19 A. No.
20 Q. Who was acting as lookout between 8:00 and 8:30?
21 A. Both.
22 Q. Was Ron seasick between 8:00 and 8:30?
23 A. No.
24 Q. Did you or Ron consume any food or drink between

0049

1 8:00 and 8:30?
2 A. I don't remember.
3 Q. Was the vessel's radar on between 8:00 and 8:30?
4 A. Yes.
5 Q. Was the vessel's VHF radio functioning between
6 8:00 and 8:30?
7 A. Yes.
8 Q. Were the vessel's GPS units functioning between
9 8:00 and 8:30?
10 A. Yes.
11 Q. Was the Garmin GPS recording your track between
12 8:00 and 8:30?
13 A. Yes.
14 Q. Do you still have any of the GPS units that were
15 aboard the vessel?
16 A. No.
17 Q. Do you know who has them?
18 A. No.
19 Q. What was the closest safe port between 8:00 and
20 8:30?
21 A. I don't know. Aruba on port side. Couple of
22 miles.
23 Q. Was it still less than 10?
24 A. Speed?

0050

1 Q. Was Aruba still less than 10 miles?
2 A. I just said -- sorry. I just said that. Around
3 two miles.
4 Q. Thank you. I misunderstood.
5 MR. GOLDMAN: Michelle, did you want to ask
6 something to clarify?
7 MS. NIEMEYER: Mike, I'd like to just
8 instruct my client to take his time and to listen
9 before he answers questions.
10 THE WITNESS: Okay.
11 MR. GOLDMAN: Excellent.
12 MS. NIEMEYER: Okay. And for clarity, can we
13 have that last question read and assure that
14 Mr. Andersson was paying attention and
15 understood.
16 MR. GOLDMAN: I will repeat it, of course.
17 BY MR. GOLDMAN:
18 Q. Do you know how far away the closest safe port
19 was?
20 A. Not exactly.
21 Q. Was it less than 10 nautical miles?
22 A. Yes.
23 Q. Did you make any contact with the shore between
24 8:00 and 8:30?

0051

- 1 A. No.
- 2 Q. Did you do anything to record the vessel's
- 3 position between 8:00 and 8:30?
- 4 A. Not in addition to GPS.
- 5 Q. Was the vessel's autopilot in use the entire time
- 6 between 8:00 and 8:30?
- 7 A. Yes.
- 8 Q. Between 8:30 and 9:00 on December 14th, 2019,
- 9 what was the vessel's course?
- 10 A. Easterly.
- 11 Q. What was the vessel's speed between 8:30 and 9:00
- 12 on the 14th?
- 13 A. I'm not sure.
- 14 Q. Do you remember the direction of the wind between
- 15 8:30 and 9:00?
- 16 A. It came from the east.
- 17 Q. Do you remember the average speed of the wind
- 18 between 8:30 and 9:00?
- 19 A. No.
- 20 Q. Do you remember the gusting speed of the wind
- 21 between 8:30 and 9:00?
- 22 A. No.
- 23 Q. Do you remember how tall the waves and the swells
- 24 were between 8:30 and 9:00?

0052

- 1 A. Same as before.
- 2 Q. Do you remember how long between each wave or
- 3 swell between 8:30 and 9:00?
- 4 A. No.
- 5 Q. Do you remember the direction of the waves or
- 6 swells between 8:30 and 9:00?
- 7 A. Westerly.
- 8 Q. Do you remember the direction of the current
- 9 between 8:30 and 9:00?
- 10 A. No.
- 11 Q. Do you remember the speed of the current between
- 12 8:30 and 9:00?
- 13 A. No.
- 14 Q. Were the vessel's sails up between 8:30 and 9:00?
- 15 A. I don't remember.
- 16 Q. Do you remember your point of sail between 8:30
- 17 and 9:00?
- 18 A. No.
- 19 Q. Were both vessel's engines in use between 8:30
- 20 and 9:00?
- 21 A. Yes.
- 22 Q. What was the RPM of the engines between 8:30 and
- 23 9:00?
- 24 A. Don't remember.

0053

1 Q. Were you at the helm between 8:30 and 9:00?
2 A. Yes.
3 Q. Was Ron ever at the helm between 8:30 and 9:00?
4 A. No.
5 Q. Were you navigating the vessel between 8:30 and
6 9:00?
7 A. Yes.
8 Q. Was Ron ever navigating the vessel between 8:30
9 and 9:00?
10 A. No.
11 Q. Who was acting as lookout between 8:30 and 9:00?
12 A. Both.
13 Q. Was Ron seasick between 8:30 and 9:00?
14 A. No.
15 Q. Did you or Ron consume any food or drink between
16 8:30 or 9:00?
17 A. Don't remember.
18 Q. Was the vessel's radar on between 8:30 and 9:00?
19 A. Yes.
20 Q. Was the vessel's VHF radio functioning between
21 8:30 and 9:00?
22 A. Yes.
23 Q. Were the two GPS units still functioning between
24 8:30 and 9:00?

0054

1 A. Yes.
2 Q. Do you remember what the closest safe port was
3 between 8:30 and 9:00?
4 A. No, I don't know.
5 Q. Do you remember how -- was it no longer Aruba?
6 A. Still Aruba.
7 Q. Was -- it was less than 10 miles away?
8 A. Yes.
9 Q. Did you make any contact with the shore between
10 10:00 -- excuse me, between 8:30 and 9:00?
11 A. No.
12 Q. Did you do anything to record the vessel's
13 position between 8:30 and 9:00?
14 A. Not in addition to the Garmin GPS.
15 Q. Was the vessel's autopilot in use the entire time
16 between 8:30 and 9:00?
17 A. Yes.
18 MR. GOLDMAN: Michelle, we have been doing
19 this for about an hour. You want to take a
20 five-minute break?
21 MS. NIEMEYER: Sure. Absolutely.
22 MR. GOLDMAN: Great. I know this is tedious.
23 All right. Break, five.
24 (Recess was taken from 11:05 a.m. until 11:11 a.m.)

0055

1 BY MR. GOLDMAN:

2 Q. Okay. Mr. Andersson, between 9:30 and 10:00 p.m.
3 on December 14th, 2019, what was your vessel's
4 course?

5 A. What was it? 9:30 and 10:00?

6 Q. Between 9:30 and 10:00 on the 14th.

7 A. I'm not sure, because we might be around the
8 southeastern tip of Aruba.

9 I'm not sure.

10 Q. What was your vessel's speed between 9:30 and
11 10:00 on the 14th?

12 A. I'm not sure.

13 Q. What was the direction of the wind between 9:30
14 and 10:00 on the 14th?

15 A. I think easterly still.

16 Q. What was the average speed of the wind between
17 9:30 and 10:00 on the 14th?

18 A. About the same.

19 Q. Can you repeat for me. Do you remember what that
20 was in miles per hour?

21 A. Not in miles per hour, but I can do it in knots.
22 It's maybe 12 to 14 knots I think it was
23 roughly.

24 I'm not sure.

0056

1 Q. Was that the same speed it had been blowing since
2 you left Aruba?

3 A. Yeah.

4 Q. Do you remember what the gusting speed of the
5 wind --

6 A. No.

7 Q. -- was?

8 A. Sorry. No.

9 Q. Do you remember how tall the waves or the swells
10 were between 9:30 and 10:00 on the 14th?

11 A. No.

12 Q. Do you remember how long between the waves or the
13 swells between 9:30 and 10:00 on the 14th?

14 A. No.

15 Q. Do you remember the direction of the waves or the
16 swells between 9:30 and 10:00 on the 14th?

17 A. Say that again.

18 Q. Do you remember the direction of the waves or the
19 swells between 9:30 and 10:00 on the 14th?

20 A. No.

21 Q. Do you remember the direction of the current
22 between 9:30 and 10:00 on the 14th?

23 A. No.

24 Q. Do you remember the speed of the current between

0057

1 9:30 and 10:00 on the 14th?

2 A. No.

3 Q. Did you make any entry in the vessel's logbook

4 between 9:30 and 10:00 on the 14th?

5 A. Not in addition to the GPS.

6 Q. Were the vessel's sails ever in use between 9:30

7 and 10:00 on the 14th?

8 A. I must say I don't know, because it depends on if

9 we have rounded -- if we're close to rounding the

10 southeastern corner.

11 Q. Had you by that time, by 10:00 o'clock on the

12 14th, rounded the southeast corner of Aruba?

13 A. I don't remember.

14 Q. Do you remember what time you did round the

15 southeast corner of Aruba?

16 A. I don't remember.

17 Q. Did you round the southeast corner before

18 midnight on the 14th?

19 A. I think so.

20 Q. Did you round the southeast corner of Aruba

21 before 6:00 a.m. on the 15th?

22 A. Oh, yeah, yeah, yeah.

23 Q. Were both vessel's engines in use between 9:30

24 and 10:00 on the 14th?

0058

1 A. Yeah.

2 Q. Do you remember the RPM of the engines between --

3 A. No.

4 Q. -- 9:30 and 10:00 on the 14th?

5 A. No.

6 Q. Were you at the helm between 9:30 and 10:00 on

7 the 14th?

8 A. Can you clarify that.

9 Q. Please -- well, explain to me what needs

10 clarification.

11 A. In my -- in my vocabulary, being at the helm,

12 you're actually steering the vessel.

13 In this case, the autopilot was always on.

14 It was just that somebody was monitoring it in

15 case something happened.

16 Q. If a person were steering the vessel themselves,

17 where would they be on the vessel?

18 A. Either on port or starboard side.

19 Q. Were you on the -- were you in that position on

20 the vessel between 9:30 and 10:00?

21 A. I don't remember.

22 Q. Was Ron ever at either of those positions --

23 A. I don't remember.

24 Q. -- between 9:30 and 10:00?

0059

1 Who was navigating the vessel between 9:30
2 and 10:00?
3 A. Went by the GPS and radar and autopilot.
4 Q. Who was monitoring the GPS and the radar between
5 9:30 and 10:00?
6 A. I was.
7 Q. Was Ron ever monitoring the GPS or the radar
8 between 9:30 and 10:00?
9 A. Don't know.
10 Q. Who was acting as lookout between 9:30 and 10:00?
11 A. Both.
12 Q. Was Ron seasick between 9:30 and 10:00 on the
13 14th?
14 A. No.
15 Q. Did you or Ron consume any food or drink between
16 9:30 and 10:00 on the 14th?
17 A. Don't remember.
18 Q. Was the vessel's radar on between 9:30 and 10:00
19 on the 14th?
20 A. Yes.
21 Q. Was the vessel's VHF radio functioning between
22 9:30 and 10:00 on the 14th?
23 A. Yes.
24 Q. Were the vessel's two GPS units still functioning

0060

1 between 9:30 and 10:00 on the 14th?
2 A. Yes.
3 Q. Do you remember what the closest safe port was
4 between 9:30 and 10:00 on the 14th?
5 A. No.
6 Q. Do you remember the distance from Aruba between
7 9:30 and 10:00 on the 14th?
8 A. No.
9 Q. Did you make any contact with the shore between
10 9:30 and 10:00 on the 14th?
11 A. No.
12 Q. Did you do anything to record the vessel's
13 position between 9:30 and 10:00 on the 14th?
14 A. Not in addition to the GPS; Garmin.
15 Q. Do you recall the vessel's position between 9:30
16 and 10:00 on the 14th?
17 A. No, I don't recall.
18 Q. Was the autopilot in use the entire time between
19 9:30 and 10:00 on the 14th?
20 A. Yes.
21 Q. Between 10:00 and 10:30 on December 14th, 2019,
22 what was the vessel's course?
23 A. Don't remember exactly.
24 Q. Was it the same course as between 9:30 and 10:00

0061

1 on the 14th?
2 A. I'm not sure. At some point there we changed
3 course to about 55, 60 degrees; but I don't know
4 what time that was.
5 Q. Was it on the 14th that you changed course?
6 A. Yes.
7 Q. So at some point between 10:00 and midnight on
8 the 14th you changed course?
9 A. I can't answer exactly.
10 Q. Did you change course before 6:00 a.m. on the
11 15th?
12 A. Yes.
13 Q. What course did you change to?
14 A. I think around 55, 60 degrees.
15 Q. Did you change course before 3:00 a.m. on the
16 15th?

17 MS. NIEMEYER: Objection to form.
18 Mr. Andersson already answered that it was
19 before midnight, I believe.
20 MR. GOLDMAN: He said -- he said the 14th at
21 first; but then when I asked him if it was before
22 midnight, he couldn't say.
23 But let's let him answer. I'll ask again
24 just to make sure that it's not you and I

0062

1 debating but it's him answering.
2 MS. NIEMEYER: Of course. I just want to
3 make sure we have a clear record.
4 MR. GOLDMAN: Thank you. I appreciate it.
5 BY MR. GOLDMAN:
6 Q. Let me repeat my question just to make sure we're
7 being clear.
8 I'll do this backwards to see if we can try
9 to establish the time at least somewhat more
10 exactly.

11 MS. NIEMEYER: I'm just going to intervene
12 here and point out that the questions that you're
13 asking come in half-hour increments, and you're
14 asking for a very detailed knowledge of the
15 timing of things happening; and the answer that
16 Mr. Andersson gave, in my understanding, was that
17 he couldn't answer exactly what happened during a
18 half-hour increment.

19 That may or may not -- I believe he also
20 answered when you asked before midnight that it
21 was before midnight.

22 MR. GOLDMAN: All right. I will clarify.

23 MS. NIEMEYER: I just -- I want to make sure.
24 We may be dealing with -- Mr. Andersson is asking

0063

1 the question as you're -- he's answering as
2 you're asking it, but what you're asking is so
3 limited in time that it doesn't really give us
4 the time frame I think that you're looking for.

5 MR. GOLDMAN: I understand.

6 BY MR. GOLDMAN:

7 Q. I'm going to go back to my half-hour increments
8 in a moment, but I'm going to ask this question.

9 What was the vessel's course at 6:00 in the
10 morning on December 15th?

11 A. I'm not sure, but I know it was around 55.

12 Q. What was the vessel's course at 5:00 in the
13 morning on December 15th?

14 A. 55.

15 Q. What was the vessel's course at 4:00 in the
16 morning on December 15th?

17 A. 55.

18 Q. What was the vessel's course at 3:00 in the
19 morning on December 15th?

20 A. 55.

21 Q. What was --

22 A. Give or take.

23 Q. Excuse me for speaking over you.

24 What was the vessel's course at 2:00 in the

0064

1 morning on December 15th?

2 A. 55-ish.

3 Q. What was the vessel's course at 1:00 in the
4 morning on December 15th?

5 A. 55-ish.

6 Q. What was the vessel's course at 12:00 a.m. on the
7 15th?

8 A. 55.

9 Q. What was the vessel's course at 11:00 p.m. on the
10 14th?

11 A. I'm not sure.

12 Q. Do I understand correctly at some time prior to
13 midnight on the 14th-15th, you changed course to
14 something between 55 and 60 degrees?

15 A. Yes.

16 Q. All right. Thank you.

17 Just a moment, please. I have to confer with
18 my assistant.

19 (Pause in the proceedings.)

20 BY MR. GOLDMAN:

21 Q. Between 23:00 -- excuse me. Between 10:30 and
22 11:00 p.m. on the 14th, what was your vessel's
23 course?

24 A. I'm not sure.

0065

1 Q. During that same interval, what was your vessel's
2 speed?
3 A. I'm not sure.
4 Q. During that same interval, what was the direction
5 of the wind?
6 A. Easterly.
7 Q. During that same interval, what was the average
8 speed of the wind?
9 A. Don't know.
10 Q. During that same interval, what was the gusting
11 speed of the wind?
12 A. I don't know.

13 MR. GOLDMAN: Just to make sure, both
14 Mr. Andersson and Michelle, do you understand
15 what I mean by saying "during that same
16 interval"?

17 MS. NIEMEYER: 10:30 to 11:00 p.m. is my
18 understanding.

19 MR. GOLDMAN: Yes.

20 MS. NIEMEYER: Mr. Andersson, is that your
21 understanding?

22 THE WITNESS: Yes.

23 MR. GOLDMAN: Just trying to make this go
24 more smoothly.

0066

1 I'll say the exact period and the date in my
2 first question in the series, and then I'll
3 continue to say during that same interval.

4 MS. NIEMEYER: Okay.

5 BY MR. GOLDMAN:

6 Q. If you're ever unsure, Mr. Andersson, please
7 don't hesitate to stop me and say so.
8 During that same interval, which is between
9 10:30 and 11:00 on December 14th, do you remember
10 the gusting speed of wind?

11 A. No.

12 Q. During that same interval, do you remember if
13 there were any waves or swells?

14 A. Yes, there were.

15 Q. How tall were the waves or swells?

16 A. Don't remember.

17 Q. Okay. Do you remember how long between each wave
18 or swell during that interval?

19 A. No.

20 Q. What was the direction of the waves or swells
21 during that same interval?

22 A. I'm not sure.

23 Q. What was the direction of the current during that
24 same interval?

0067

1 A. Don't know.
2 Q. What was the speed of the current during that
3 same interval?
4 A. Don't know.
5 Q. Did you make any entry in the vessel's logbook
6 during that same interval?
7 A. Not in addition to the Garmin GPS.
8 Q. Were the vessel's sails up during that same
9 interval?
10 A. If we had rounded Aruba during that period, then
11 yes, definitely.
12 Q. Which sails were up during that period?
13 A. Headsail only.
14 MS. NIEMEYER: Objection to form.
15 Just for clarification, Mr. Andersson said if
16 he had rounded, and we've established that he's
17 not sure if he rounded.
18 BY MR. GOLDMAN:
19 Q. Do you remember what time you rounded Aruba?
20 A. No.
21 Q. Was it before midnight?
22 A. Yes.
23 Q. So then am I correct that sometime between 11:00
24 on the 14th and midnight you rounded Aruba?

0068

1 A. I don't know.
2 MS. NIEMEYER: Objection to form.
3 Mr. Andersson, please give me a moment to
4 object if that's necessary. Thank you.
5 BY MR. GOLDMAN:
6 Q. All right. Obviously I misunderstood.
7 Did you round Aruba sometime between 11:00 on
8 the 14th and midnight?
9 A. Not sure.
10 Q. Did you round Aruba before 1:00 a.m. on the 15th?
11 A. Yes.
12 Q. At the time that you rounded Aruba, did you put
13 up any sails?
14 A. Yes.
15 Q. When you rounded Aruba, what course did you set?
16 A. 55 to 60.
17 Q. How far were you from Aruba?
18 A. I'm not sure.
19 Q. More than 10 miles? Nautical miles.
20 A. Not sure.
21 MS. NIEMEYER: Michael, those prior questions
22 when you said how far were you from Aruba, were
23 you referring to the time frame of 10:30 to 11:00
24 or when he rounded and put up his sails?

0069

1 MR. GOLDMAN: Let me ask --
2 MS. NIEMEYER: We don't have a clear time
3 frame on that.

4 BY MR. GOLDMAN:

5 Q. At the time that you rounded Aruba and put up
6 some -- put up some sails, we'll establish which
7 in a moment, do you remember how many miles you
8 were from Aruba?

9 A. No.

10 Q. Was it more than 50 miles?

11 A. No.

12 Q. Was it more than 30 miles?

13 A. No.

14 Q. Was it between 20 and 30 miles?

15 A. I don't know.

16 Q. Was it less than 30 miles?

17 A. I don't know.

18 Q. But it was not more than 30 miles? That's what I
19 believe you answered a moment ago.

20 A. I don't know.

21 MR. GOLDMAN: Just one moment.
22 (Pause in the proceedings.)

23 BY MR. GOLDMAN:

24 Q. Were the vessel's engines in use between 10:30

0070

1 and 11:00 on the 14th?

2 A. Yes. Can I clarify something?

3 Q. You can clarify when it's Michelle's turn. No,
4 you know what, I'm going to be broad-minded about
5 it.

6 What would you like to clarify, sir?

7 A. I would like to clarify when you say distance
8 when rounding Aruba at that particular time slot,
9 because when you're rounding -- when I rounded
10 it, I was closer; but if I've already rounded it
11 at the time that you're referring to, 11:00
12 o'clock or midnight, in there, I could have been
13 30 miles away; but not easterly, because then I
14 would have been in Curacao.

15 Q. Would it make more sense -- would you be able to
16 give a better answer if I simply asked at each
17 point how many nautical miles you were from
18 Aruba?

19 A. No, it's -- it's difficult to say exactly. When
20 you round it, you're not far away.

21 Q. All right.

22 A. From Aruba.

23 Q. Let me continue with my questions and see if we
24 can find a better way to phrase this.

0071

1 Do you remember the vessel's RPMs during that
2 interval from 10:30 to 11:00 on the 14th?

3 A. No.

4 MS. NIEMEYER: Objection to form on that.
5 And, Mr. Andersson, please give me a moment
6 to object.

7 The vessel doesn't have RPMs, Mr. Goldman.

8 MR. GOLDMAN: I understand.

9 MS. NIEMEYER: We need clarity on that
10 because we're making a written record here.

11 BY MR. GOLDMAN:

12 Q. What was the RPM -- do you remember the RPM of
13 the engines during that interval?

14 A. No.

15 Q. Who was at the helm during that interval?

16 A. Autopilot.

17 Q. Were you or Ron at the helm at all during that
18 interval?

19 A. I was always in the vicinity.

20 Q. Was Ron in the vicinity?

21 A. Don't remember.

22 Q. Who was navigating the vessel during that
23 interval?

24 A. Autopilot, GPS, radar.

0072

1 Q. Who was acting as lookout during that interval?

2 A. I was.

3 Q. Where was Ron during that interval?

4 A. I don't remember.

5 Q. Was Ron sick -- seasick during that interval?

6 A. No.

7 Q. Did either of you consume any food or drink
8 during that interval?

9 A. I don't remember.

10 Q. Was the vessel's radar on during that interval?

11 A. Yes.

12 Q. Was the vessel's VHF radio functioning during
13 that interval?

14 A. Yes.

15 Q. Were the vessel's GPS units functioning during
16 that interval?

17 A. Yes.

18 Q. Do you remember what the closest safe port was
19 during that interval?

20 A. I -- it must have been Aruba still.

21 Q. Did you make any contact with the shore during
22 that interval?

23 A. No.

24 Q. Do you recall how many miles you were from Aruba

0073

1 at 10:30 on the 14th?
2 A. No.
3 Q. Were you more than 20 miles from Aruba?
4 MS. NIEMEYER: Objection to form.
5 Mr. Andersson, you can answer.
6 A. What was the question?
7 BY MR. GOLDMAN:
8 Q. Were you more than 20 nautical miles from Aruba
9 at 10:30 on the 14th?
10 A. I don't know.
11 Q. Were you more than 30 nautical miles from Aruba
12 at 10:30 on the 14th?
13 A. I don't know.
14 Q. Did you make any contact with the shore between
15 10:30 and 11:00 on the 14th?
16 MS. NIEMEYER: Objection. You've already
17 answered -- asked that question.
18 BY MR. GOLDMAN:
19 Q. You can answer, Mr. Andersson.
20 A. What was the question?
21 Q. Did you make any contact with the shore between
22 10:30 and 11:00 on the 14th?
23 A. No.
24 Q. Was the autopilot in use the entire time between

0074

1 10:30 and 11:00 on the 14th?
2 A. Yes.
3 Q. Between 11:00 and 11:30 p.m. on December 14th,
4 2019, what was your vessel's course?
5 A. Around 55 I would -- I'm thinking.
6 Q. I'm sorry. Can you repeat that answer.
7 A. Approximately 55 degrees.
8 Q. Did you change course to 55 degrees after
9 11:00 p.m. on December 14th, 2019?
10 A. I don't remember.
11 Q. Did you change course to 55 degrees before
12 11:00 p.m. on December 14th, 2019?
13 A. I don't remember.
14 Q. Am I remembering correctly that only a few
15 moments ago you testified that between 10:30 and
16 11:00 p.m. on December 14th your course was in an
17 easterly direction?
18 A. With -- say that again.
19 MR. GOLDMAN: Michelle, maybe you can help
20 me.
21 My recollection is that a moment ago when we
22 were discussing the interval of 10:30 to
23 11:00 p.m. on the 14th, you testified that your
24 course was in an easterly direction.

0075

1 Am I remembering that correctly?

2 MS. NIEMEYER: Mr. Goldman, the correct way
3 to do this would be to ask the court reporter
4 what the testimony was.

5 I am not going to answer a question about my
6 own recollection, and I don't believe it's
7 appropriate for you to use yours. We have
8 testimony on the record that we can refer to.

9 MR. GOLDMAN: Karen, can you please repeat
10 his testimony beginning with the interval of
11 10:30 to 11:00 p.m. on the 14th.

12 (The requested portion was read back by the
13 reporter.)

14 BY MR. GOLDMAN:

15 Q. Mr. Andersson, when is the last time you can say
16 for certain that your vessel was on an easterly
17 course?

18 A. I cannot say an exact time.

19 Q. Can you repeat for me approximately what time did
20 your vessel change course to 55 or 60 degrees?

21 A. I have a hard time committing to a certain time,
22 because I don't remember.

23 Q. Were you on a course at 55 to 60 degrees at 1:00
24 in the morning on December 15th?

0076

1 A. Yes.

2 Q. Were you on that course at midnight, between
3 December 14th and December 15th?

4 A. Yes.

5 Q. Were you on that course at 11:00 p.m. on
6 December 14th?

7 A. Not sure.

8 Q. Were you on that course at 10:30 p.m. on
9 December 14th?

10 A. I don't remember.

11 Q. Were you on that course at 10:00 p.m. on
12 December 14th?

13 A. I don't remember.

14 Q. Were you on that --

15 MS. NIEMEYER: Back to this line of
16 questioning, Mr. Andersson has very clearly
17 stated he doesn't remember, and he's very clearly
18 stated it was sometime before midnight.

19 MR. GOLDMAN: I think he's stating that he
20 doesn't remember, but I think he stated that he
21 did; and I think he stated easterly during these
22 times, and I'm trying to figure that out.

23 MS. NIEMEYER: We had the record read to us,
24 and he did not say easterly at 10:30 p.m. He

0077

1 said he didn't remember.

2 MR. GOLDMAN: Good. And I'm trying to
3 establish the last time he does remember heading
4 easterly.

5 I'll skip to that question.

6 BY MR. GOLDMAN:

7 Q. Mr. Andersson, do you remember the last time that
8 you were heading in an easterly direction?

9 A. Not exactly.

10 MR. GOLDMAN: Just a moment.

11 (Pause in the proceedings.)

12 Q. Is it correct -- would it be accurate to say that
13 sometime between 8:30 p.m. on the 14th and 1:00
14 a.m. on the 15th, you changed course to 55
15 degrees?

16 A. Yes. I would say that that would be.

17 Q. All right. Thank you.

18 MS. NIEMEYER: Mr. Goldman, Mr. Andersson's
19 response was I wouldn't say that would be, and
20 then he didn't finish.

21 Mr. Andersson, you need to finish your
22 answer.

23 THE WITNESS: Tell me what the question was.

24 BY MR. GOLDMAN:

0078

1 Q. Would it be correct that sometime -- I think I
2 used the time 8:30 -- sometime between 8:30 p.m.
3 on the 14th and 1:00 a.m. on the 15th, you
4 changed course to approximately 55 degrees; am I
5 correct?

6 A. Yes.

7 Q. All right. Going back to our interval between
8 10:30 and 11:00 p.m. on the 14th, was Ron
9 seasick?

10 MS. NIEMEYER: Objection to form.

11 We already covered these questions at 10:30
12 to 11:00 p.m.

13 MR. GOLDMAN: Did we go all the way through?
14 Because my notes show that we did not.

15 MS. NIEMEYER: Let me just double-check, but
16 I believe we did.

17 Yes. He said no.

18 MR. GOLDMAN: Then I'll ask the court
19 reporter, can you please verify that it -- can
20 you please read the questions -- read the last
21 time that we asked the question about whether or
22 not Ron Naranjo was seasick.

23 (The requested portion was read back by the
24 reporter.)

0079

1 MS. NIEMEYER: I'm going to object to this
2 because essentially you're boring my client into
3 submission in a way that's outrageous.

4 I've never -- if you want to ask questions
5 about every half-hour interval of a three-day
6 journey, we're going to be here through the
7 weekend and into next week and --

8 MR. GOLDMAN: And that's exactly where we --

9 MS. NIEMEYER: -- that's -- you know, you
10 have a right to ask whatever you want, but I'm
11 going to object to you ask -- you've been through
12 your whole same list of questions four or five
13 times now for each interval.

14 You finished 10:30 to 11:00; you asked all
15 those questions, and now you're at 11:00 to
16 11:30.

17 I'm going to object to you asking those
18 questions again.

19 MR. GOLDMAN: Your objection is noted and
20 I'll start with 11:00.

21 BY MR. GOLDMAN:

22 Q. Mr. Andersson, between 11:00 and 11:30, what was
23 your vessel's course?

24 A. I don't remember exactly.

0080

1 Q. Had you -- did you execute a course change
2 between 11:00 and 11:30?

3 A. I don't remember.

4 MS. NIEMEYER: Objection to form.

5 Again, you've already asked those questions.
6 The last question you asked prior to this
7 colloquy --

8 MR. GOLDMAN: This is my deposition,
9 Michelle.

10 BY MR. GOLDMAN:

11 Q. What was the vessel's speed between 11:00 and
12 11:30 on the 14th?

13 A. I don't know.

14 Q. What was the direction of the wind between 11:00
15 and 11:30 on the 14th?

16 A. Easterly.

17 Q. What was the average speed of the wind between
18 11:00 and 11:30 on the 14th?

19 A. Not sure.

20 Q. Were there any waves or swells between 11:00 and
21 11:30 on the 14th?

22 A. Yes.

23 Q. How long between each wave or swell between 11:00
24 and 11:30 on the 14th?

0081

- 1 A. I don't know.
- 2 Q. What was the direction of the waves or swells
3 between 11:00 and 11:30?
- 4 A. I don't know.
- 5 Q. What was the direction of the current during that
6 period?
- 7 A. I don't know.
- 8 Q. What was the speed of the current during that
9 period?
- 10 A. I don't know.
- 11 Q. Did you make any entry in the vessel's logbook
12 during that period?
- 13 A. Not in addition to the GPS.
- 14 Q. Were the vessel's sails up during that period?
- 15 A. I'm not sure.
- 16 Q. Were both the vessel's engines in use during that
17 period?
- 18 A. Yes.
- 19 Q. Do you remember the RPM of the engines during
20 that period?
- 21 A. No.
- 22 Q. Were you at the helm during that period?
- 23 A. No.
- 24 Q. Was Ron at the helm during that period?

0082

- 1 A. No.
- 2 Q. Were you navigating the vessel during that
3 period?
- 4 A. Autopilot, radar, and GPS was doing navigation.
5 I was looking -- overlooking it.
- 6 Q. Who was acting as lookout during that period?
- 7 A. I was.
- 8 Q. Was Ron asleep during that period?
- 9 A. Don't remember.
- 10 Q. Was Ron seasick between 11:00 and 11:30 p.m. on
11 the 14th?
- 12 A. No.
- 13 Q. Did you or Ron consume any food or drink during
14 that period?
- 15 A. I don't remember.
- 16 Q. Was the vessel's radar on during that period?
- 17 A. Yes.
- 18 Q. Was the vessel's VHF radio functioning during
19 that period?
- 20 A. Yes.
- 21 Q. Were the vessel's two GPS units functioning
22 during that period?
- 23 A. Yes.
- 24 Q. Do you remember what the closest safe port was

0083

- 1 during that period?
- 2 A. No. Aruba.
- 3 Q. Were you more or less than 30 nautical miles from
4 Aruba?
- 5 A. I don't know.
- 6 Q. Did you make any contact with the shore during
7 that period?
- 8 A. No.
- 9 Q. Was the autopilot in use during that period?
- 10 A. Yes.
- 11 Q. Was the autopilot ever not in use during that
12 period?
- 13 A. No.
- 14 Q. Between 11:30 p.m. and midnight on the 14th, what
15 was the vessel's course?
- 16 A. I don't remember.
- 17 Q. What was the vessel's speed during that period?
- 18 A. Don't remember.
- 19 Q. What was the direction of the wind during that
20 period?
- 21 A. Easterly.
- 22 Q. Did you execute any course changes during that
23 period?
- 24 A. Don't remember.

0084

- 1 Q. Do you remember the average speed of the wind
2 during that period?
- 3 A. No.
- 4 Q. What was the gusting speed of the wind during
5 that period?
- 6 A. Don't know.
- 7 Q. Were there any waves or swells during that
8 period?
- 9 A. Yes.
- 10 Q. How tall were the waves or swells during that
11 period?
- 12 A. Don't know.
- 13 Q. How long between each wave or swell during that
14 period?
- 15 A. I don't know.
- 16 Q. What was the direction of the wave or swells
17 during that period?
- 18 A. I'm not sure.
- 19 Q. What was the direction of the current during that
20 period?
- 21 A. I don't know.
- 22 Q. What was the speed of the current during that
23 period?
- 24 A. I don't know.

0085

- 1 Q. Did you make any entry in the vessel's logbook
- 2 during that period?
- 3 A. Not in addition to GPS and Garmin radar.
- 4 Q. Were the vessel's sails up during that period?
- 5 A. When are we talking? 11:30 to 12:00?
- 6 Q. Yes.
- 7 A. Don't remember.
- 8 Q. Were both the vessel's engines in use during that
- 9 period?
- 10 A. Yes.
- 11 Q. What was the RPM of the engines during that
- 12 period?
- 13 A. I don't know.
- 14 Q. Were you at the helm during that period?
- 15 A. Autopilot.
- 16 Q. Were you at the helm during that period?
- 17 A. Autopilot.
- 18 Q. It's a yes-or-no question.
Were you at the helm during that period?
- 19 A. I don't know.
- 20 Q. Was Ron at the helm during that period?
- 21 A. No.
- 22 Q. Were you navigating the vessel during that
- 23 period?

0086

- 1 A. Yes.
- 2 Q. Was Ron navigating the vessel during that period?
- 3 A. No.
- 4 Q. Who was acting as lookout during that period?
- 5 A. I was.
- 6 Q. Was Ron seasick during that period?
- 7 A. No.
- 8 Q. Was Ron asleep during that period?
- 9 A. Don't remember.
- 10 Q. Did you or Ron consume any food or drink during
- 11 that period?
- 12 A. I don't remember.
- 13 Q. Was the vessel's radar on during that period?
- 14 A. Yes.
- 15 Q. Was the vessel's VHF radio functioning during
- 16 that period?
- 17 A. Yes.
- 18 Q. Were the vessel's GPS units functioning during
- 19 that period?
- 20 A. Yes.
- 21 Q. Do you remember what the closest safe port was
- 22 during that period?
- 23 A. I don't remember.
- 24 Q. Do you remember how far you were from Aruba

0087

1 during that period?

2 A. I don't remember.

3 Q. Were you more than 20 miles from Aruba during

4 that period?

5 A. I don't remember.

6 Q. Did you make any contact with the shore during

7 that period?

8 A. No.

9 Q. Was the autopilot in use the entire time during

10 that period?

11 A. Yes.

12 Q. Between midnight and 12:30 a.m. on the 15th --

13 excuse me.

14 Going back to the period of 11:30 p.m. to

15 midnight on the 14th, did you make any course

16 changes during that period?

17 A. I don't remember.

18 Q. Turning to the next period, between midnight and

19 12:30 on the 15th.

20 What was your vessel's course?

21 A. I don't remember exactly.

22 Q. Do you remember approximately?

23 A. Approximately 55 degrees.

24 Q. So between 12:00 and 12:30, your course was

0088

1 approximately 55 degrees?

2 A. As far as I remember.

3 Q. What was your vessel's speed during that period?

4 A. Don't know.

5 Q. What was the direction of the wind during that

6 period?

7 A. Not exactly sure.

8 Q. Can you approximate?

9 A. Easterly.

10 MS. NIEMEYER: Objection to form.

11 Mr. Andersson, give me time to object,

12 please.

13 THE WITNESS: Sorry.

14 BY MR. GOLDMAN:

15 Q. What was the average speed of the wind during

16 that period?

17 A. I don't know.

18 Q. What was the gusting speed of the wind during

19 that period?

20 A. I don't know.

21 Q. How tall were the waves or swells during that

22 period?

23 A. Can you repeat that.

24 Q. How tall -- what was the height of the waves or

0089

1 the swells during that period?
2 A. Not sure.
3 Q. What was the direction of the waves or the swells
4 during that period?
5 A. Not sure.
6 Q. What was the direction of the current during that
7 period?
8 A. I don't know.
9 Q. What was the speed of the current during that
10 period?
11 A. I don't know.
12 Q. Did you make any entry in the vessel's logbook
13 during that period?
14 A. Not in addition to GPS.
15 Q. Were the vessel's sails up during that period?
16 A. Not sure.
17 Q. Were the vessel's engines in use during that
18 period?
19 A. Yes.
20 Q. What was the RPM of the engines during that
21 period?
22 A. Don't know.
23 Q. Were you at the helm during that period?
24 A. Can you clarify what you mean with being at the

0090

1 helm.
2 Do you mean steering the boat?
3 Q. Hold on. Were you at the tiller or the wheel or
4 any of the other steering equipment for the
5 vessel?
6 MS. NIEMEYER: Objection to form.
7 BY MR. GOLDMAN:
8 Q. You can answer, Mr. Andersson.
9 A. I was at one of the stations.
10 Q. Was Ron at one of the stations?
11 A. Don't remember.
12 Q. Who was acting as lookout during that period?
13 A. I was.
14 Q. Was Ron asleep during that period?
15 A. Don't remember.
16 Q. Was Ron seasick during that period?
17 A. No.
18 Q. Did anyone on board consume any food or drink
19 during that period?
20 A. Don't remember.
21 Q. Was the vessel's radar on during that period?
22 A. Yes.
23 Q. Was the vessel's VHF radio still functioning
24 during that period?

0091

1 A. Yes.
2 Q. Were the GPS units functioning during that
3 period?
4 A. Yes.
5 Q. What was the closest safe port during that
6 period?
7 A. Don't know.
8 Q. How far were you from Aruba during that period?
9 A. Don't know.
10 Q. Were you more or less than 20 miles from Aruba
11 during that period?
12 A. I don't know.
13 Q. Did you make any contact with the shore during
14 that period?
15 A. No.
16 Q. Was the autopilot in use the entire time during
17 that period?
18 A. Yes.
19 Q. Did you make any course changes during that
20 period?
21 A. Don't remember.
22 Q. All right.
23 MR. GOLDMAN: Michelle, it's noon. Do you
24 want to take a short lunch break, or do you want

0092

1 to push on?
2 MS. NIEMEYER: No, I think what you're doing
3 is exhausting, and I think we really should take
4 a break.
5 MR. GOLDMAN: Okay. In order to maximize,
6 I'd say only a half an hour, but I'll do whatever
7 you find agreeable.
8 MS. NIEMEYER: Is half an hour okay for
9 everybody here?
10 THE WITNESS: If I can add something? I
11 won't be able to remember any half-hour
12 increments. Only roughly time of the day.
13 MR. GOLDMAN: Does that mean -- let's go off
14 the record.
15 (Discussion off the record.)

16 BY MR. GOLDMAN:

17 Q. Mr. Andersson, are you saying that if I continue
18 to ask in half-hour increments you are unable to
19 remember any of this information for any specific
20 half-hour increment?
21 A. Yes, that would be -- I would not be able to, no.
22 MR. GOLDMAN: All right. We'll come back in
23 half an hour, and we'll continue with the
24 30-minute increments.

0093

1 MS. NIEMEYER: We haven't clarified. Is half
2 an hour okay with everyone who's in attendance
3 here?

4 Martin, are you okay with a half-hour break?

5 THE WITNESS: Oh, yeah, half-hour break,
6 yeah. I thought you said half-hour interval.

7 MS. NIEMEYER: Is a half-hour break enough
8 for you?

9 THE WITNESS: Yes.

10 MS. NIEMEYER: Or do you need -- okay.

11 (Recess was taken from 12:03 p.m. until 12:29 p.m.)

12 BY MR. GOLDMAN:

13 Q. Mr. Andersson, as close as you can estimate, when
14 did you change course to approximately 55
15 degrees?

16 A. I'm not sure. You --

17 Q. Were you --

18 A. What's that?

19 Q. You were about to keep answering. Go ahead, sir.

20 A. Yeah. You mean rounding the southeast corner of
21 Aruba?

22 Q. That I couldn't say. But we're trying to
23 establish -- we keep going back and forth on when
24 during the evening of December 14th-December 15th

0094

1 you changed course to approximately 55 degrees.

2 So my question is do you remember
3 approximately what time you changed course to 55
4 degrees? Approximately.

5 A. Well, to the best of my knowledge, it --
6 somewhere between 10:00 and -- 22:00 and
7 midnight. Somewhere there.

8 Q. Splendid.

9 A. To the best of my knowledge.

10 Q. Then let's go over the period immediately before,
11 just to make sure we have the record clear, and
12 then we will pick up with midnight and it will
13 help everybody -- everybody's attention, we will
14 go in one-hour increments.

15 What was your vessel's course at 10:00 p.m.
16 on December 14th, 2019?

17 MS. NIEMEYER: Objection to form.

18 This is the second or third time now that
19 you're asking the same questions about this time
20 frame.

21 MR. GOLDMAN: I understand.

22 BY MR. GOLDMAN:

23 Q. Mr. Andersson, you can answer.

24 A. I don't know.

0095

1 Q. What was your vessel's speed between 10:00 p.m.
2 and midnight on December 14th, 2019?

3 A. I don't know.

4 MS. NIEMEYER: Objection to form.

5 Again, the questions have been asked as to
6 10:30, 10:30 to 11:00, 11:00 to 11:30, and 11:30
7 to 12:00; and Mr. Andersson has answered all of
8 those questions.

9 MR. GOLDMAN: He has vacillated back and
10 forth. We are going to get his answers to these
11 questions.

12 Your objection is noted. He has stated he
13 doesn't remember --

14 MS. NIEMEYER: He has told you he doesn't
15 remember.

16 MR. GOLDMAN: -- for every single one of
17 these during the period of 10:00 to --

18 MS. NIEMEYER: I'm going to make a continuing
19 objection --

20 MR. GOLDMAN: Fine.

21 MS. NIEMEYER: -- that specific timing line
22 of inquiry when Mr. Andersson has made it very
23 clear to you that he doesn't have a recollection
24 of these specific time frames.

0096

1 He has told you that for increments that add
2 up to 10:00 to 12:00, he doesn't recall; so it
3 seems reasonable to understand that he doesn't
4 have a specific recollection of this in that time
5 frame.

6 MR. GOLDMAN: Understanding --

7 MS. NIEMEYER: Other than with his comments
8 about the change in course that he believes it
9 happened during that time frame, but he doesn't
10 know when.

11 MR. GOLDMAN: Splendid. Thank you. Your
12 objection is noted.

13 We will continue.

14 BY MR. GOLDMAN:

15 Q. What was your vessel's speed between 10:00 p.m.
16 and midnight on December 14th, 2019?

17 MS. NIEMEYER: Objection to form.

18 A. I don't recall.

19 Q. What was the direction of the wind between 10:00
20 p.m. and midnight on December 14th, 2019?

21 A. Somewhat easterly.

22 Q. What was the average speed of the wind during
23 that period?

24 A. I don't recall.

0097

- 1 Q. What was the gusting speed of the wind during
2 that period?
- 3 A. I don't remember.
- 4 Q. How tall were the waves or swells during that
5 period?
- 6 A. I don't remember.
- 7 Q. How long between each wave or swell during that
8 period?
- 9 A. I don't remember.
- 10 Q. What was the average direction of the waves or
11 swells during that period?
- 12 A. Westerly.
- 13 Q. What was the average direction of the current
14 during that period?
- 15 A. I don't know.
- 16 Q. What was the average speed of the current during
17 that period?
- 18 A. I don't know.
- 19 Q. Did you make any entries in the vessel's logbook
20 during that period?
- 21 A. Not in addition to the GPS and radar.
- 22 Q. Were any of the vessel's sails up at any time
23 during that period?
- 24 A. I don't remember.

0098

- 1 Q. Were the vessel's engines in use during that
2 entire period?
- 3 A. Yes.
- 4 Q. What was the average RPM of the engines during
5 that period?
- 6 A. I don't know.
- 7 Q. What was the maximum RPM of the engines during
8 that period?
- 9 A. I don't remember.
- 10 MS. NIEMEYER: Objection to form.
11 Are you asking whether -- what the maximum
12 RPM is of the engine as in what its abilities are
13 or the maximum that it was in operation with
14 Mr. Martin -- with Mr. Andersson?
- 15 MR. GOLDMAN: The latter. In operation.
- 16 THE WITNESS: Okay. Run it again, the
17 question.
- 18 BY MR. GOLDMAN:
19 Q. What was the average -- what was the maximum RPM
20 at which the engines operated during that same
21 period?
- 22 A. I don't know.
- 23 Q. Were you at the helm during that same period?
- 24 A. Let me clarify that. I was at the steering

0099

1 station; one person was always at the steering
2 station.

3 The autopilot was engaged, the radar was on,
4 the GPS, everything was there; so either
5 myself -- one person was always watching it; so,
6 yes, there was somebody, but it's not at the
7 helm, meaning as you steer it; but we don't steer
8 it while the autopilot is on.

9 Q. Who was at the -- were you at the steering
10 station --

11 A. I don't remember.

12 Q. -- during that two-hour period?

13 A. I don't remember.

14 Q. Was Ron at the steering station at any time
15 during that two-hour period?

16 A. I don't remember who was there, but there was
17 always one there.

18 Q. Were you asleep at all during that period?

19 A. No.

20 Q. Was Ron asleep at all during that period?

21 A. I don't remember.

22 Q. Who was navigating the vessel -- were you
23 navigating the vessel during that period?

24 A. I go back to my other answer that the autopilot,

0100

1 the GPS, and the radar, and I monitor it.

2 So that's the navigation part. They maintain
3 a course that is set and that's it.

4 Q. I understand. Was Ron ever navigating the vessel
5 during that period?

6 A. In the sense of what I just answered, yes, he was
7 monitoring it; monitoring the equipment that was
8 engaged to maintain a certain course.

9 Q. Who was acting as lookout during that period?

10 A. That was me.

11 Q. Was Ron seasick at all during that two-hour
12 period?

13 A. No.

14 Q. Did either you or Ron consume any food or drink
15 during that period?

16 A. I don't remember.

17 Q. Was the vessel's radar on during that period?

18 A. Yes.

19 Q. Was the vessel's VHF radio functioning during
20 that period?

21 A. Yes.

22 Q. Were the vessel's GPS units functioning during
23 that period?

24 A. Yes.

0101

- 1 Q. Do you remember what the closest safe port was
- 2 during that period?
- 3 A. Not exactly the port, but Aruba.
- 4 Q. Do you remember how many miles you were from
- 5 Aruba at --
- 6 A. No.
- 7 Q. Were you more than 20 miles from Aruba at
- 8 midnight?
- 9 A. I don't know.
- 10 Q. Were you less than 20 miles from Aruba at
- 11 midnight?
- 12 A. I don't know.
- 13 Q. Without guessing, can you give an estimate as to
- 14 how many miles you were from Aruba at midnight?
- 15 A. No.
- 16 Q. Did you make any contact with the shore between
- 17 10:00 p.m. and midnight?
- 18 A. No.
- 19 Q. Was the autopilot in use during that entire
- 20 period?
- 21 A. Yes.
- 22 Q. At midnight on December 15th, 2019 -- or let's
- 23 say 00:01 on December 15th, 2019, what was your
- 24 vessel's course?

0102

- 1 A. To the best of my knowledge, it was around 55
- 2 degrees.
- 3 Q. Why did you change course to 55 degrees?
4 MS. NIEMEYER: Objection to form.
5 The question implies he changed course in
6 this time frame, and we need to be clear that
7 Mr. Andersson has stated he doesn't remember when
8 he changed course.
- 9 BY MR. GOLDMAN:
10 Q. Whatever time you changed course, sir, why did
11 you change course to 55 degrees?
- 12 A. I did that to get northeast away from mainland
13 Venezuela and the islands of Venezuela.
- 14 Q. When was your next intended course change?
- 15 A. That would have been -- I don't know the time
16 because you don't know the time, but it would
17 have been roughly about -- I would say about 70
18 to 90 miles from the eastern point.
19 Roughly. It could be 80 miles. I don't
20 know. Something like that.
- 21 Q. What course did you intend to change to at that
22 time?
- 23 A. That would be a more easterly course. I would
24 say weather permitting was that I was going to go

0103

1 around 80 degrees.

2 Didn't we just have lunch?

3 Q. Reading it now, but I'm still nibbling on my
4 M&Ms.

5 At 1:00 a.m. on 12/15, what was your vessel's
6 course?

7 A. Around 55.

8 Q. What was your vessel's speed during that -- at
9 that time?

10 A. Not sure.

11 Q. Let me restate the question just to make sure I'm
12 asking clearly because I want to cover that
13 increment.

14 Between 1:00 a.m. and 2:00 a.m. on the 15th,
15 what was your vessel's course?

16 A. Around 55 degrees.

17 Q. Did you change course at all during that
18 period?

19 A. Not that I recall.

20 Q. Did you change course before noon on 12/15?

21 A. I don't recall.

22 Q. Did you change course before 6:00 p.m. on
23 12/15?

24 A. I don't recall that either.

0104

1 Q. Did you change course before midnight on
2 12/15/2019?

3 A. I'm not sure, but I believe so; but I'm not sure.
4 Sorry. I'm not sure.

5 Q. Did you change course before 6:00 in the morning
6 on December 16th?

7 A. Yes.

8 Q. What is the earliest time that you can recall
9 being on a course other than approximately 55
10 degrees?

11 A. I can't answer that. I don't know.

12 Q. Am I remembering correctly that you just said
13 that you had changed course before 6:00 in the
14 morning on the 16th?

15 A. I said, if I remember correctly, yes.

16 Q. Very good.

17 A. But that could be 2 degrees.

18 Q. What -- we'll get to that then.

19 At 2:00 in the morning on the 15th -- between
20 2:00 in the morning and 3:00 in the morning on
21 the 15th, what was your vessel's course?

22 A. Around 55.

23 Q. Do you remember what your vessel's average speed
24 was during that same period?

0105

- 1 A. No.
- 2 Q. Do you remember what your vessel's maximum speed
- 3 was during that period?
- 4 A. No.
- 5 Q. What was the -- do you remember the average
- 6 direction of the wind during that period?
- 7 A. No, just generally easterly.
- 8 Q. Do you remember the average speed of the wind
- 9 during that period?
- 10 A. No.
- 11 Q. Do you remember the gusting speed of the wind
- 12 during that period?
- 13 A. No.
- 14 Q. Do you remember the average height of the waves
- 15 or swells during that period?
- 16 A. No.
- 17 Q. Do you remember -- remember the average length
- 18 between each wave or swell during that period?
- 19 A. No.
- 20 Q. Do you remember the general -- the average
- 21 direction of the waves or swells during that
- 22 period?
- 23 A. No.
- 24 Q. Do you remember the average direction of the

0106

- 1 current during that period?
- 2 A. No.
- 3 Q. Do you remember the average speed of the current
- 4 during that period?
- 5 A. No.
- 6 Q. Did you make any entry in the vessel's logbook
- 7 during that period?
- 8 A. No, not in addition to the GPS and the Garmin.
- 9 Q. Were the vessel's sails up at any time during
- 10 that period?
- 11 A. Yes.
- 12 Q. When did you put the vessel's sails up?
- 13 A. I don't recall exactly.
- 14 Q. Was it after 2:00 in the morning on 12/15?
- 15 A. I don't recall exactly.
- 16 Q. Were the vessel's sails up by 3:00 in the morning
- 17 on December 15th?
- 18 A. Yes.
- 19 Q. Very good. Which sails were up?
- 20 A. Headsail only.
- 21 Q. Were there any reefs in the headsail?
- 22 A. No.
- 23 Q. Were you on the port or the starboard tack at
- 24 that time when the sails were up?

0107

- 1 A. Starboard. The wind came in from the
- 2 starboard.
- 3 Q. Were the vessel's engines in use between --
- 4 A. Yes.
- 5 Q. Were they in use the entire time between 2:00 and
- 6 3:00 p.m. on the 15th?
- 7 Excuse me. 2:00 and 3:00 a.m. on the 15th?
- 8 A. Yes.
- 9 Q. Do you remember what the average RPM of the
- 10 engines were during that same period?
- 11 A. No.
- 12 Q. Do you remember the maximum RPM at which the
- 13 engines were operated during that period?
- 14 A. No.
- 15 Q. Were you ever at the steering station during that
- 16 period?
- 17 A. What time was it?
- 18 Q. From 2:00 in the morning to 3:00 in the morning.
- 19 A. I don't recall.
- 20 Q. Was Ron ever at the steering station during that
- 21 period?
- 22 A. It was either him or me.
- 23 Q. Do you remember if you were at the steering
- 24 station during that period?

0108

- 1 A. I don't remember.
- 2 Q. Do you remember if Ron was at the steering
- 3 station at all during that period?
- 4 A. No, I don't remember.
- 5 Q. Do you remember if Ron was ever at a steering
- 6 station during the entire voyage?
- 7 A. Yes.
- 8 Q. When was he at the steering station?
- 9 A. When I was asleep.
- 10 Q. All right. Just one moment.
11 Who was acting as lookout during that same
- 12 period?
- 13 A. Don't know.
- 14 Q. Did you or Ron consume any food or drink during
- 15 that same period?
- 16 A. I don't remember.
- 17 Q. Was the vessel's radar on during that period?
- 18 A. Yes.
- 19 Q. Was the vessel's VHF radio functioning during
- 20 that period?
- 21 A. Yes.
- 22 Q. Were the vessel's GPS units functioning during
- 23 that period?
- 24 A. Yes.

0109

1 Q. Do you remember what the closest safe port was
2 during that period?
3 A. No.
4 Q. Do you remember how many miles you were from
5 Aruba during that period?
6 A. No.
7 Q. Were you more than 30 miles from Aruba at all
8 during that period?
9 A. I don't recall.
10 Q. Did you make -- did you or Ron make any contact
11 with the shore during that period?
12 A. No.
13 Q. Was the autopilot in use during that entire
14 period?
15 A. Yes.
16 Q. Just one moment.

17 (Pause in the proceedings.)

18 BY MR. GOLDMAN:

19 Q. All right. Turning to the period from 3:00 in
20 the morning to 4:00 in the morning on the 15th.
21 What was your vessel's average course during
22 that period?
23 A. 55.
24 Q. What was the vessel's average speed during that

0110

1 same period?
2 A. I don't know.
3 Q. What was your vessel's maximum speed during that
4 period?
5 A. I don't know.
6 Q. What was the general direction of the wind during
7 that period?
8 A. I'm not sure.
9 Q. What was the average speed of the wind during
10 that period?
11 A. I don't know.
12 Q. What was the gusting speed of the wind during
13 that period?
14 A. I don't know.
15 Q. What were the average height of the waves or
16 swells during that period?
17 A. I don't know.
18 Q. What was the average length of time between each
19 wave or swell during that period?

20 MS. NIEMEYER: Objection to form.

21 BY MR. GOLDMAN:

22 Q. You can answer, Mr. Andersson.
23 MS. NIEMEYER: You said length of time. Are
24 you actually -- you've asked the intervals in the

0111

1 past, and now you're asking length of time.
2 Are you asking Mr. Andersson to estimate how
3 much time passed between the waves?
4 MR. GOLDMAN: Yes, exactly.

5 BY MR. GOLDMAN:

6 Q. What was the average length of time between each
7 wave or swell?
8 A. I don't know.
9 Q. Good. Thank you. What was the general direction
10 of the waves or swells?
11 A. I don't know.
12 Q. What was the general direction of the current
13 during that same period?
14 A. I don't know.
15 Q. What was the average speed of the current during
16 that period?
17 A. I don't know.
18 Q. Did you make any entries in the vessel's logbook
19 during that period?
20 A. Not in addition to GPS, radar, et cetera.
21 Q. Were any of the vessel's sails up during that
22 period?
23 A. Yes.
24 Q. Which sails?

0112

1 A. Headsail.
2 Q. Were there any reefs in the sails?
3 A. No.
4 Q. Were you on the port or the starboard tack during
5 that period?
6 A. The wind came in from starboard.
7 Q. You'll have to forgive this landlubber. Can you
8 explain what that means.
9 A. The port tack.
10 Q. Thank you. Were the vessel's engines in use
11 during that period?
12 A. Yes.
13 Q. During the entire period?
14 A. Yes.
15 Q. What was the average RPM of the engines during
16 that period?
17 A. I don't know.
18 Q. What was the maximum RPM obtained by the engines
19 during that period?
20 A. I don't know.
21 Q. Were you at the steering station at all during
22 that period?
23 A. What's the time now?
24 Q. Between 3:00 and 4:00 in the morning on the 5th.

0113

1 A. I don't recall.
2 Q. Excuse me, the 15th.
3 Was Ron at the steering station at all during
4 that same period?
5 A. I don't recall.
6 Q. Who was acting as lookout during that period?
7 A. I don't recall.
8 Q. Were you asleep during that period?
9 A. I don't remember.
10 Q. Was Ron asleep during that period?
11 A. I don't remember.
12 Q. Was Ron seasick during that period?
13 A. No.
14 Q. Did you or Ron consume any food or drink during
15 that period?
16 A. I don't recall.
17 Q. Was the vessel's radar on during that period?
18 A. Yes.
19 Q. Was the vessel's VHF radio functioning during
20 that period?
21 A. Yes.
22 Q. Were the vessel's GPS units functioning during
23 that period?
24 A. Yes.

0114

1 Q. How many miles from Aruba were you at that
2 period?
3 A. I don't know.
4 Q. Were you more than 30 miles from Aruba?
5 A. I don't know.
6 Q. Can you give an estimate as to how many miles you
7 were from Aruba?
8 A. No.
9 Q. Were you close -- can you estimate were you
10 closer to Aruba or St. Vincent?
11 A. Closer to Aruba.
12 Q. Thank you. Did you make -- did you or Ron make
13 any contact with the shore during that period?
14 A. Not that I can remember.
15 Q. Was the autopilot in use during that entire
16 period?
17 A. Yes.
18 Q. All right. Turning to the period from 4:00 in
19 the morning to 5:00 in the morning.
20 What was your vessel's general course between
21 4:00 and 5:00 in the morning on December 15th?
22 A. 55.
23 Q. Did you execute any course changes during that
24 period?

0115

- 1 A. Not that I can recall.
- 2 Q. What was the vessel's average speed during that
- 3 period?
- 4 A. Don't know.
- 5 Q. Do you remember the vessel's maximum speed during
- 6 that period?
- 7 A. No.
- 8 Q. What was the direction of the wind during that
- 9 period?
- 10 A. The wind?
- 11 Q. The direction of the wind during that period.
- 12 A. I'm not sure exactly.
- 13 Q. Can you approximate the direction of the wind
- 14 during that period?
15 MS. NIEMEYER: Objection to form. You're
16 asking my client to guess.
17 MR. GOLDMAN: No, I'm not asking. I'm asking
18 him to approximate.
19 BY MR. GOLDMAN:
20 Q. You can answer, Mr. Andersson.
21 A. Oh, you froze. Everybody froze. I couldn't hear
22 anything.
23 Q. Okay. What was the -- do you remember the
24 approximate direction of the wind during that

0116

- 1 period?
- 2 A. Somewhat easterly.
- 3 Q. Do you remember the average speed of the wind
- 4 during that period?
- 5 A. No.
- 6 Q. What was the maximum -- what was the gusting
- 7 speed of the wind during that period?
- 8 A. I don't know.
- 9 Q. What was the average height of the waves or the
- 10 swells during that period?
- 11 A. I don't know.
- 12 Q. What was the average length of time between each
- 13 wave or swell during that period?
- 14 A. I don't know.
- 15 Q. What was the general direction of the current
- 16 during that period?
- 17 A. I don't know.
- 18 Q. What was the average speed of the current during
- 19 that period?
- 20 A. I don't know.
- 21 Q. Did you make any entries in the vessel's logbook
- 22 during that period?
- 23 A. Not in addition to the GPS.
- 24 Q. Were any of the vessel's sails up during that

0117

- 1 period?
- 2 A. Yes.
- 3 Q. Which sails were up?
- 4 A. Headsail.
- 5 Q. Were there any reefs in the headsail?
- 6 A. No.
- 7 Q. Were you on the port or the starboard tack during
8 that period?
- 9 A. Port tack.
- 10 Q. Were the vessel's engines in use at any time
11 during that period?
- 12 A. Yes.
- 13 Q. Were they in use the entire time?
14 MS. NIEMEYER: Objection to form.
15 Are you talking about the period or the
16 entire voyage?
- 17 MR. GOLDMAN: That period.
- 18 A. Yes, the engines were on.
- 19 BY MR. GOLDMAN:
20 Q. The entire time during that period?
- 21 A. Yes. That was the question; wasn't it?
- 22 Q. Yes. What was the average RPM of the engines
23 during that period?
- 24 A. I don't know.

0118

- 1 Q. Do you remember the maximum RPMs at which the
2 engines were operating during that period?
- 3 A. No.
- 4 Q. Were you at the steering station at all during
5 that period?
- 6 A. What time was it?
- 7 Q. Between 4:00 and 5:00 in the morning on the 15th.
- 8 A. I don't recall. Don't know. I don't remember.
- 9 Q. Was Ron at the steering station at all during
10 that same period?
- 11 A. I don't remember.
- 12 Q. Who was acting as lookout during that period?
- 13 A. One of us.
- 14 Q. Were you asleep during that period?
- 15 A. I don't remember.
- 16 Q. Was Ron asleep during that period?
- 17 A. I don't remember.
- 18 Q. Was Ron seasick during that period?
- 19 A. No.
- 20 Q. Did you or Ron consume any food or drink during
21 that period?
- 22 A. Don't remember.
- 23 Q. Was the vessel's radar on during that period?
- 24 A. Yes.

0119

- 1 Q. Was the vessel's VHF radio functioning during
2 that period?
- 3 A. Yes.
- 4 Q. Were the GPS units functioning during that
5 period?
- 6 A. Yes.
- 7 Q. Do you recall what the closest safe port was
8 during that period?
- 9 A. I do not recall.
- 10 Q. Do you remember approximately how far you were
11 from Aruba at that period?
- 12 A. No.
- 13 Q. Did you make any contact with the shore during
14 that period?
- 15 A. Not that I can recall.
- 16 Q. Was the autopilot in use during that entire
17 period?
- 18 A. Yes.
- 19 Q. All right. Turning to the next period. From
20 5:00 in the morning to 6:00.
21 What was your vessel's general course between
22 the period of 5:00 in the morning and 6:00 in the
23 morning on December 15th, 2019?
- 24 A. General direction, 55 degrees approximately.

0120

- 1 Q. Did you make any course changes during that
2 period?
- 3 A. Not that I can recall.
- 4 Q. What was your vessel's average speed during that
5 period?
- 6 A. I don't know.
- 7 Q. Can you estimate your vessel's average speed
8 during that period?
- 9 A. No.
- 10 Q. What was the general direction of the wind during
11 that period?
- 12 A. Same as the hour before. Generally easterly.
- 13 Q. What was the average speed of the wind during
14 that period?
- 15 A. I'm not sure.
- 16 Q. What was the gusting speed of the wind during
17 that period?
- 18 A. I'm not sure.
- 19 Q. What was the height of the waves or swells during
20 that period?
- 21 A. I don't know.
- 22 Q. What was the average length of time between each
23 wave or swell during that period?
- 24 A. I don't know.

0121

- 1 Q. What was the general direction of the waves or
- 2 swells during that period?
- 3 A. I don't know.
- 4 Q. What was the general direction of the current
- 5 during that same period?
- 6 A. I don't know.
- 7 Q. What was the average speed of the current during
- 8 that period?
- 9 A. I don't know.
- 10 Q. Were any of the vessel's sails up during that
- 11 period?
- 12 A. Yes.
- 13 Q. Which sails were up during that period?
- 14 A. One sail. The headsail.
- 15 Q. Were there any reefs in the headsail?
- 16 A. No.
- 17 Q. Were you on port or the starboard tack?
- 18 A. Port.
- 19 Q. Were the vessel's engines in use during that
- 20 period?
- 21 A. Yes.
- 22 Q. Were they in use that entire period?
- 23 A. Yes.
- 24 Q. What was the average RPM of the engines during

0122

- 1 that period?
- 2 A. Don't recall.
- 3 Q. What was the maximum RPM at which the engines
- 4 were operating during that period?
- 5 A. I don't know.
- 6 Q. Were you at the steering station at all during
- 7 that period?
- 8 A. I don't remember.
- 9 Q. Was Ron at the steering station at all during
- 10 that period?
- 11 A. I don't remember.
- 12 Q. Who was acting as lookout during that period?
- 13 A. One of us.
- 14 Q. Do you remember which one?
- 15 A. No.
- 16 Q. Were you acting as lookout at all during that
- 17 period?
- 18 A. I don't remember.
- 19 Q. So if -- do you remember acting as lookout at all
- 20 during that period?

21 MS. NIEMEYER: Objection to form.

22 Mr. Andersson has answered that question

23 twice now.

24 MR. GOLDMAN: No, he's answering evasively,

0123

1 and he's claiming he doesn't remember; but he's
2 also claiming that both of them were acting as
3 lookout.

4 MS. NIEMEYER: He never claimed that. He
5 claimed one of them was always the lookout. It's
6 not the same.

7 BY MR. GOLDMAN:

8 Q. Were you the lookout at all during that period?

9 A. I don't remember.

10 Q. Was Ron the lookout at all during that period?

11 A. I don't remember. One was always there.

12 Q. Which of you was there during that period?

13 A. I don't remember.

14 Q. Were you asleep at all during --

15 MS. NIEMEYER: I'm objecting to this line of
16 inquiry.

17 At this point, it's becoming harassing.

18 BY MR. GOLDMAN:

19 Q. Were you asleep at all during that period?

20 A. I don't remember.

21 Q. Was Ron asleep at all during that period?

22 A. I don't remember.

23 Q. Was Ron seasick at all during that period?

24 A. No.

0124

1 Q. Did you or Ron consume any food or drink during
2 that period?

3 A. I don't recall.

4 Q. Was the vessel's radar on during that period?

5 A. Yes.

6 Q. Was the vessel's VHF radio functioning during
7 that period?

8 A. Yes.

9 Q. Were the vessel's GPS units functioning during
10 that period?

11 A. Yes.

12 Q. Do you remember what the closest safe port was
13 during that period?

14 A. No.

15 Q. Do you remember approximately how many miles you
16 were from Aruba during that period?

17 A. No.

18 Q. Did you or Ron make any contact with the shore
19 during that period?

20 A. Can't remember.

21 Q. Was the autopilot in use during the entire time
22 of that period?

23 A. Yes.

24 Q. All right. Turning to the next hourly interval.

0125

1 From 6:00 to 7:00.

2 What was your vessel's average course during
3 that period?

4 A. Approximately 55 degrees.

5 Q. Did you execute any course changes between 6:00
6 and 7:00 in the morning of the 15th?

7 A. Not that I can recall.

8 MR. GOLDMAN: Just a moment.

9 (Pause in the proceedings.)

10 BY MR. GOLDMAN:

11 Q. What was the vessel's average speed between 6:00
12 and 7:00 in the morning on the 15th?

13 A. Don't remember.

14 Q. What was the vessel's maximum speed during that
15 interval?

16 A. I don't remember.

17 Q. What was the average speed of the wind -- excuse
18 me, the average direction of the wind during that
19 interval?

20 A. It was easterly; northeasterly.

21 MS. NIEMEYER: I'm going to ask at this
22 point -- I'd like to ask Mr. Andersson if he
23 needs a break because he appears to be tired
24 and --

0126

1 MR. GOLDMAN: Of course.

2 MS. NIEMEYER: -- this is really tedious
3 questioning. I don't want him to make mistakes
4 because he's exhausted.

5 Mr. Andersson, are you okay, or do you need a
6 break?

7 THE WITNESS: Yeah, I want to go get some
8 water.

9 Maybe you want to finish your M&Ms in the
10 meantime.

11 MR. GOLDMAN: Thank you very much.

12 (Recess was taken from 1:08 p.m. until 1:10 p.m.)

13 (The requested portion was read back by the
14 reporter.)

15 BY MR. GOLDMAN:

16 Q. What was the average speed of the wind during
17 that period?

18 A. I'm not sure.

19 Q. What was the gusting speed of the wind during
20 that period?

21 A. I'm not sure.

22 Q. What was the average height of the waves or
23 swells during that period?

24 A. I'm not sure.

0127

- 1 Q. What was the average length of time between each
- 2 wave or swell during that period?
- 3 A. I'm not sure.
- 4 Q. What was the direction of the waves or swells
- 5 during that period?
- 6 A. I'm not sure.
- 7 Q. What was the general direction of the current
- 8 during that period?
- 9 A. I'm not sure.
- 10 Q. What was the speed of the -- average speed of the
- 11 current during that period?
- 12 A. I'm not sure.
- 13 Q. Did you make any entry in the vessel's logbook
- 14 during that period?
- 15 A. Not in addition to the GPS.
- 16 Q. Were the -- any of the vessel's sails up during
- 17 that period?
- 18 A. Yes.
- 19 Q. Which of the vessel's sails were up?
- 20 A. The headsail.
- 21 Q. Were there any reefs in the headsail?
- 22 A. No.
- 23 Q. Were you on the port or the starboard tack during
- 24 that period?

0128

- 1 A. Port.
- 2 Q. Were both the vessel's engines in use during that
- 3 period?
- 4 A. Yes.
- 5 Q. What was the average RPM of the vessel during
- 6 that period -- excuse me. I misspoke.
- 7 What was the average RPM of the engines
- 8 during that period?
- 9 A. Don't know.
- 10 Q. What was the maximum RPM at which the vessel --
- 11 at which the engines were operated during that
- 12 period?
- 13 A. I don't know.
- 14 Q. Were you at the steering station at all during
- 15 that period?
- 16 A. I don't remember.
- 17 Q. Was Ron at the steering station at all during
- 18 that period?
- 19 A. I don't remember.
- 20 Q. Who was acting as lookout during that period?
- 21 A. One of us.
- 22 Q. Were you asleep during that period?
- 23 A. I don't remember.
- 24 Q. Was Ron asleep during that period?

0129

- 1 A. I don't remember.
- 2 Q. Did you or Ron consume any food or drink during
3 that period?
- 4 A. I don't remember.
- 5 Q. Was the vessel's radar on during that period?
- 6 A. Yes.
- 7 Q. How do you know the vessel's radar was on during
8 that period?
- 9 A. Please repeat.
- 10 Q. I'm sorry. I didn't understand that. Can you
11 repeat that.
- 12 A. I said please repeat the question.
- 13 Q. Okay. How do you know the vessel's -- the
14 vessel's radar was on from the period of 6:00 in
15 the morning to 7:00 in the morning on the 15th?
- 16 A. I don't understand that question at all.
- 17 Q. Well, let me describe here. I know my computer
18 is on because I can look at it and it's
19 functioning. I'm sitting here, and I'm looking
20 at it.
21 How can you tell me that the vessel's radar
22 was on from 6:00 to 7:00 in the morning on the
23 15th?
- 24 A. Because one of us was always sitting there in

0130

- 1 front of it and looking at it.
- 2 Q. Which one of you?
- 3 A. I don't remember.
- 4 Q. Do you remember if you were sitting in front of
5 it at any time? At any time during the entire
6 voyage.
- 7 A. During the entire voyage?
- 8 Q. Yes.
- 9 A. We've gone from one hour to the whole voyage? Of
10 course I was there a lot.
- 11 Q. Good. Was Ron ever there during the entire
12 voyage?
- 13 A. Yes.
- 14 Q. Can you describe again for me where the vessel's
15 radar display is located.
- 16 A. Starboard steering station.
- 17 Q. Was the vessel's VHF radio functioning during
18 that period?
- 19 A. As far as I know.
- 20 Q. Were the vessel's GPS units functioning during
21 that period?
- 22 A. Yes.
- 23 Q. What was the closest safe port during that
24 period?

0131

- 1 A. I don't know.
- 2 Q. Can you estimate how many miles you were from
- 3 Aruba at that -- during that period?
- 4 A. No.
- 5 Q. Can you estimate how many miles you were from any
- 6 point on land during that period?
- 7 A. Not really.
- 8 Q. Did you make any contact with the shore during
- 9 that period?
- 10 A. Not that I remember.
- 11 Q. Was the vessel's autopilot in use during that
- 12 entire period?
- 13 A. Yes.
- 14 Q. All right. From 7:00 in the morning to 8:00 in
- 15 the morning on the 15th, do you remember what
- 16 your vessel's general course was?
- 17 A. Approximately 55 degrees.
- 18 Q. Did you make any course changes during that
- 19 period?
- 20 A. Not that I can recall.
- 21 Q. Do you remember the vessel's average speed during
- 22 that period?
- 23 A. No.
- 24 Q. Did the vessel's speed change at all during that

0132

- 1 period?
- 2 A. I don't know.
- 3 Q. Do you remember the average direction of the wind
- 4 during that period?
- 5 A. Well, it's the same -- the direction, it came
- 6 from east/northeast.
- 7 Q. Do you remember the average speed of the wind
- 8 during that period?
- 9 A. No.
- 10 Q. Do you remember the gusting speed of the wind
- 11 during that period?
- 12 A. No.
- 13 Q. Do you remember the average height of the waves
- 14 or the swells during that period?
- 15 A. No.
- 16 Q. Do you remember the amount of time between each
- 17 wave or swell during that period? The average
- 18 amount of time.
- 19 A. No.
- 20 Q. Do you remember the general direction of the
- 21 waves or swells during that period?
- 22 A. No.
- 23 Q. Do you remember the general direction of the
- 24 current during that period?

0133

- 1 A. No.
- 2 Q. Do you remember the average speed of the current
3 during that period?
- 4 A. No.
- 5 Q. Did you make any entry in the vessel's logbook
6 during that period?
- 7 A. Not in addition to the GPS, radar.
- 8 Q. Were any of the vessel's sails up during that
9 period?
- 10 A. Yes.
- 11 Q. Which sails were up during that period?
- 12 A. The headsail.
- 13 Q. Were there any reefs in the headsail during that
14 period?
- 15 A. Not that I can recall.
- 16 Q. Were you on the port or the starboard tack during
17 that period?
- 18 A. Port.
- 19 Q. Were the vessel's engines in use during that
20 entire period?
- 21 A. Yes.
- 22 Q. What was the average RPM of the vessel's engines
23 during that period?
- 24 A. Don't know.

0134

- 1 Q. What was the maximum RPM at which the vessel's
2 engines were operating during that period?
- 3 A. I don't know.
- 4 Q. Were you at the steering station at all during
5 that period?
- 6 A. I don't remember.
- 7 Q. Was Ron at the steering station at all during
8 that period?
- 9 A. I don't remember.
- 10 Q. Were you navigating the vessel at all during that
11 period?
- 12 A. I don't remember.
- 13 Q. Was Ron navigating the vessel at all during that
14 period?
- 15 A. I don't remember.
- 16 Q. Who was acting as lookout during that period?
- 17 A. One of us.
- 18 Q. Were you asleep during that period at all?
- 19 A. I don't remember.
- 20 Q. Was Ron asleep at any time during that period?
- 21 A. You know what, I don't remember.
- 22 Q. Was Ron seasick during -- at any time that
23 period?
- 24 A. No.

0135

- 1 Q. Did you or Ron consume any food or drink during
2 that period?
- 3 A. I don't remember.
- 4 Q. Was the vessel's radar on during that period?
- 5 A. Yes.
- 6 Q. Was the vessel's VHF radio functioning during
7 that period?
- 8 A. As far as I know.
- 9 Q. Who was monitoring the VHF radio during that
10 period?
- 11 A. Both of us.
- 12 Q. Who was observing the vessel's radar during that
13 period?
- 14 A. One of us.
- 15 Q. Which one of you?
- 16 A. I don't remember.
- 17 Q. Were the vessel's GPS units functioning during
18 that period?
- 19 A. Yes.
- 20 Q. Do you know what the closest safe port was during
21 that period?
- 22 A. No.
- 23 Q. Can you estimate at all how far you were from
24 Aruba during that period?

0136

- 1 A. No.
- 2 Q. Can you estimate at all how far you were from any
3 point of land during that period?
- 4 A. No.
- 5 Q. Did you or Ron make any contact with the shore
6 during that period?
- 7 A. Not that I can remember.
- 8 Q. Was the vessel's autopilot in use during that
9 entire interval?
- 10 A. Yes.
- 11 Q. Turning to the period of 8:00 in the morning to
12 9:00 in the morning on 12/15, what was the
13 vessel's average course during that period?
- 14 A. 55 degrees.
- 15 Q. Did you make any course changes during that
16 period?
- 17 A. Not that I can recall.
- 18 Q. What was the vessel's average speed during that
19 period?
- 20 A. I don't know.
- 21 Q. What was the general direction of the wind during
22 that period?
- 23 A. East/northeast.

24 MR. GOLDMAN: Hold on just a moment.

0137

1 (Pause in the proceedings.)

2 BY MR. GOLDMAN:

3 Q. Mr. Andersson, the landlubbers here need to
4 clarify something just to be certain that we're
5 understanding.

6 When you say east/northeast, do you mean the
7 wind is blowing from east/northeast?

8 A. Yes.

9 Q. Very good. Thank you. That's what we thought,
10 but we had to be a hundred percent certain.

11 What was the average speed of the wind during
12 that interval, 8:00 in the morning to 9:00 in the
13 morning, on 12/15?

14 A. I don't know.

15 Q. What was the gusting speed of the wind during
16 that period?

17 A. I don't know.

18 Q. What was the average height of the waves or
19 swells during that period?

20 A. I don't know.

21 Q. What was the average length of time between each
22 wave or swell?

23 A. I don't know.

24 Q. What was the general direction of the waves or

0138

1 the swells?

2 A. I don't know.

3 Q. What was the average direction of the current
4 during that period?

5 A. I don't know.

6 Q. What was the average speed of the current during
7 that period?

8 A. I don't know.

9 Q. Did you make any entries in the vessel's logbook
10 during that period?

11 A. Not in addition to the GPS, radar.

12 Q. Were the vessel's -- any of the vessel's sails up
13 during that period?

14 A. Yes.

15 Q. Which sails were up during that period?

16 A. The headsail.

17 Q. Were there any reefs in the headsail during that
18 period?

19 A. Not that I can remember.

20 Q. Were you on the port tack or the starboard tack
21 during that period?

22 A. Port.

23 Q. Were both the vessel's engines in use during that
24 entire period?

0139

- 1 A. Yes.
- 2 Q. What was the average RPM of the vessel's engines
3 during that period?
- 4 A. I don't remember.
- 5 Q. What was the maximum RPM at which the vessel's
6 engines were operated during that period?
- 7 A. I don't know.
- 8 Q. Were you at the steering station at all during
9 that period?
- 10 A. I don't remember.
- 11 Q. Was Ron at the steering station at all during
12 that period?
- 13 A. I don't remember.
- 14 Q. Who was acting as lookout during that period?
- 15 A. I don't remember.
- 16 Q. Were you asleep at all during that period?
- 17 A. I don't remember.
- 18 Q. Was Ron asleep at all during that period?
- 19 A. I don't remember.
- 20 Q. Did you or Ron consume any food or drink during
21 that period?
- 22 A. I don't remember.
- 23 Q. Was the vessel's radar on during that period?
- 24 A. Yes.

0140

- 1 Q. Were you monitoring the vessel's radar during
2 that period?
- 3 A. I don't remember.
- 4 Q. Was Ron monitoring the vessel's radar during that
5 period?
- 6 A. I don't remember.
- 7 Q. Was the vessel's VHF radio functioning during
8 that period?
- 9 A. As far as I know.
- 10 Q. As far as you know?
- 11 A. We could hear the VHF going off all the time; so,
12 yes, I assumed that it was working, yes.
- 13 Q. What could you hear on the VHF radio?
- 14 A. What you can hear on the VHF radio?
- 15 Q. You said it was going off all the time.
16 What does that mean? What did you hear?
- 17 A. You monitor an emergency channel report 16, and
18 it's always ships calling each other there; so
19 you hear that.
- 20 Q. Were the vessel's GPS units functioning during
21 that period?
- 22 A. Yes.
- 23 Q. Do you remember what the closest safe port was
24 during that period?

0141

- 1 A. No.
- 2 Q. Can you give an estimate to within 50 miles how
- 3 far you were from Aruba?
- 4 A. No.
- 5 Q. Can you give an estimate to within 50 miles how
- 6 far you were from any point of land during that
- 7 period?
- 8 A. No.
- 9 Q. Did you or Ron make any contact with the shore
- 10 during that period?
- 11 A. Not that I can remember.
- 12 Q. Was the autopilot in use during that entire
- 13 period?
- 14 A. Yes.
- 15 Q. All right. Turning to the period from 9:00 in
- 16 the morning to 10:00 in the morning on the 15th.
- 17 What was the vessel's average -- general
- 18 course during that period, 9:00 to 10:00 in the
- 19 morning on the 15th?
- 20 A. 55.
- 21 Q. Did you make any course changes during that
- 22 period?
- 23 A. Not that I can remember.
- 24 Q. What was the vessel's average speed during that

0142

- 1 period?
- 2 A. I don't know.
- 3 Q. What was the general direction of the wind during
- 4 that period?
- 5 A. East/northeast.
- 6 Q. What was the average speed of the wind during
- 7 that period?
- 8 A. I don't know.
- 9 Q. What was the gusting speed of the wind during
- 10 that period?
- 11 A. I don't know.
- 12 Q. What was the average height of the waves or
- 13 swells during that period?
- 14 A. I don't know.
- 15 Q. What was the average interval between the waves
- 16 or swells -- excuse me.
- 17 What was the average length of time between
- 18 each wave or swell during that period?
- 19 A. I don't know.
- 20 Q. What was the general direction of the waves or
- 21 swells during that period?
- 22 A. I don't know.
- 23 Q. What was the general direction of the current
- 24 during that period?

0143

- 1 A. I don't know.
- 2 Q. What was the average speed of the current during
- 3 that period?
- 4 A. I don't know.
- 5 Q. Did you make any entry in the vessel's logbook
- 6 during that period?
- 7 A. Not in addition to the GPS.
- 8 Q. Were the vessel's sails up at any time during
- 9 that period?
- 10 A. Yes.
- 11 Q. Which sails were up?
- 12 A. The headsail.
- 13 Q. Were there any reefs in the headsail during this
- 14 period?
- 15 A. Not that I can recall.
- 16 Q. Were you on the port or starboard tack during
- 17 that period?
- 18 A. Port.
- 19 Q. Were both of the vessel's engines in use during
- 20 that entire period?
- 21 A. Yes.
- 22 Q. What was the average RPM of the vessel's engines
- 23 during that period?
- 24 A. I don't know.

0144

- 1 Q. What was the maximum RPM at which the vessel's
- 2 engines were operating during that period?
- 3 A. I don't know.
- 4 Q. Were you at the steering station at all during
- 5 that period?
- 6 A. I can't remember.
- 7 Q. Was Ron at the steering station at all during
- 8 that period?
- 9 A. I can't remember.
- 10 Q. Was anyone at the steering station at any time
- 11 during that period?
- 12 A. Yes.
- 13 Q. Who?
- 14 A. I don't remember.
- 15 Q. Well, if you don't remember, how do you know
- 16 someone was at the steering station?
- 17 A. Is that a question?
- 18 Q. Yeah. You answered that someone was at the
- 19 steering station.
- 20 A. Yeah, one of us were at --
- 21 Q. There's only two of you.
- 22 A. Huh?
- 23 Q. There's only two of you, and you answered that
- 24 someone was at the steering station during that

0145

1 period.

2 Which one of you?

3 A. I do not recall.

4 Q. Then how do you recall that someone was there?

5 A. I don't know if that is a question.

6 Q. It is a question. Please answer it.

7 A. One of us was always there. I don't recall
8 exactly what time we both were there. One at a
9 time.

10 I don't recall all these hours. This is
11 one-and-a-half years ago.

12 Q. I understand. Do you remember -- were both of
13 you ever at the steering station during that
14 period?

15 A. Say that again.

16 Q. Were -- during the period of 9:00 in the morning
17 to 10:00 in the morning on the 15th, was there
18 ever a moment when both of you were at the
19 steering station?

20 A. I don't remember.

21 Q. All right.

22 (Court reporter interrupted.)

23 MS. NIEMEYER: Thank you, Karen.

24 MR. GOLDMAN: Michelle, did you have an

0146

1 objection?

2 MS. NIEMEYER: Yes, I did have an objection
3 and, I'm sorry, I didn't realize I wasn't being
4 heard.

5 My objection just has to go to the fact that
6 Mr. Andersson has stated numerous times now on
7 the record that one of the two of them was always
8 at the steering station. So he -- he's -- he's
9 answered the question in a multitude of contexts.

10 I'm being lenient here. You're allowed to
11 ask whatever questions you want, but, frankly,
12 this line of questioning and the way it's being
13 made is doing nothing but creating confusion and
14 exhaustion and frustration.

15 MR. GOLDMAN: If it makes everybody feel any
16 better, once we're done with these time periods,
17 I'll ask more general questions that he might be
18 able to answer.

19 MS. NIEMEYER: So, Michael, are you planning
20 to answer -- are you planning to ask these same
21 questions for every hour over three days?

22 MR. GOLDMAN: Yes, absolutely.

23 If he doesn't know -- if he doesn't remember
24 anything from any period during this voyage, I

0147

1 want it on the record.

2 MS. NIEMEYER: Can you accept a stipulation
3 that he doesn't have specific knowledge of
4 incremental time frames during the voyage?

5 MR. GOLDMAN: I'll tell what you I'm willing
6 to do.

7 I'm willing to start again with the list, and
8 I'm willing to ask each question; and if he
9 answers that he doesn't remember, I'll ask is
10 that the same answer you would give from that
11 period -- we're at 9:00 in the morning on the
12 15th -- is that the same answer you would give
13 from 9:00 in the morning until the loss occurred?

14 MS. NIEMEYER: Before you speak, Martin, I
15 think the problem we're having here is that the
16 level of specificity you're asking for is hard to
17 remember for anyone, and to ask him whether he
18 remembers that would -- obviously things happened
19 and we can narrow it down to roughly when
20 Mr. Andersson believes things happened, but I
21 think he's made it pretty clear that when you get
22 down to specific times he really doesn't remember
23 that for a lot of these things.

24 MR. GOLDMAN: And I'm willing to forgo that

0148

1 if he will stipulate that -- I'll ask more
2 general questions if he'll stipulate that in
3 response to every single one of these specific
4 ones he cannot remember. Because we've gotten to
5 ones where he's given more specific answers.

6 Earlier when we got to when the course change
7 was made, it took some -- he's given some
8 different answers, but he's generally nailed down
9 the approximate time he made that course change.

10 If he can stipulate that his answer will be
11 the same to all of these, I'm willing to forgo
12 them; but I don't think he's going to because I
13 think there's another course change coming.

14 MS. NIEMEYER: Of course. And, Michael, I
15 guess what I'm getting to is if the question is
16 asked differently, you can probably get to that
17 without having to spend another five hours asking
18 incremental questions.

19 We won't finish this deposition today if --

20 MR. GOLDMAN: We won't.

21 MS. NIEMEYER: -- you keep asking these
22 questions, and, you know, I don't think it's
23 really fair to my client or to everybody sitting
24 here if this is going to be what happens all day

0149

1 today.

2 If Mr. Andersson is asked can you tell us
3 when exactly something happened, and he says no;
4 and you say can you give us an approximate time
5 of when this happened, he may be able to answer
6 that question.

7 But to say did this happen during this hour;
8 did this happen during this hour or that hour;
9 was it light outside; was it dark outside; was --
10 was it morning or night on a sea voyage, may be a
11 more relevant kind of question to be asking.

12 MR. GOLDMAN: I'm willing to try that, and
13 let's see what happens; and if it doesn't work,
14 I'm going back to the hour increments.

15 BY MR. GOLDMAN:

16 Q. All right. Let's try this. Mr. Andersson, let's
17 start again at 09:00 and see if we can do this
18 differently.

19 Do you remember your vessel's course --
20 approximate course at 9:00 in the morning on
21 December 15th?

22 MS. NIEMEYER: Objection. We've already had
23 that asked and answered.

24 MR. GOLDMAN: I know.

0150

1 Q. Please answer, Mr. Andersson.

2 A. Approximately 55 degrees.

3 Q. For how long after 9:00 in the morning did your
4 course remain unchanged from 50- -- from
5 approximately 55 degrees?

6 A. If I recall this correctly, it was during the day
7 that the wind picked up. I don't know exactly
8 how much.

9 My statement that I signed it was I don't
10 know when that was, when the wind picked up and
11 the swell and all that, but it was during the
12 afternoon; and that's also in the beginning
13 when -- when -- when Ron was feeling queasy and
14 got -- got sort of seasick there.

15 So sometime in the afternoon there, I changed
16 the course a little bit to go a little bit more
17 north.

18 Q. What course did you change to?

19 A. I don't remember that exactly, but more towards
20 the 50, you know, like -- as little as I had
21 to.

22 Q. Can you give me a -- without giving me an exact
23 or even approximate bearing, can you give me a
24 point on the compass that you changed course to?

0151

1 North, south, east, west.
2 A. Well, so if I was steering 55, which is northeast
3 almost, 45 is northeast, I was steering more
4 northerly, but it was not much.

5 I mean, as little as I could get away with.
6 Q. All right. But until that course change, am I
7 correctly understanding you that your course
8 remained -- from 9:00 until that course change,
9 your course remained approximately 55 degrees?

10 Do I understand that correctly?

11 A. Yes.

12 Q. Between 9:00 in the morning and the time of that
13 course change sometime in the afternoon, what was
14 your vessel's average speed?

15 A. I honestly can't tell you. I don't know exactly
16 the speed because we had both sails and engine
17 going.

18 Q. I understand. Can you approximate to within 5
19 knots?

20 A. It's difficult to do that, you know, because, as
21 you said, I didn't know what the current was. If
22 it was with us, it would be more; if it was
23 against us, it would be less.

24 So I would -- I can't commit myself to an

0152

1 approximate -- approximate speed unfortunately.

2 Q. Can you even -- I'll ask just a little more
3 specifically to be sure.

4 Can you even say if it was less or more than
5 10 knots?

6 A. It was less. As my -- for my -- to the best of
7 my knowledge.

8 Q. To the best of your knowledge, can you
9 approximate at all was it more than 5 knots?

10 A. To the best of my knowledge, yes.

11 Q. So am I --

12 A. But it's -- anyway. Yeah, okay.

13 Q. So am I understanding you correctly to the best
14 of your knowledge between 9:00 in the morning on
15 the 15th and sometime that afternoon when you
16 changed course, your vessel -- your vessel's
17 average speed was between 5 and 10 knots; is that
18 correct?

19 A. I don't really know. You know, I -- it's -- it's
20 difficult to answer just -- you narrow it down.
21 It shouldn't be, but, hey.

22 Q. All right. Between 9:00 in the morning on the
23 15th and that time in the afternoon when you
24 changed course, do you remember the general

0153

1 direction of the wind?
2 A. If I -- if I remember it correctly, it started to
3 go more northeasterly. Instead of easterly it
4 sort of -- I don't know what, if it's veering or
5 backing; that it actually became more
6 northeasterly than easterly.

7 If I recall that, because that -- that was
8 the reason why I had to -- to change the course a
9 little bit.

10 Q. Between 9:00 a.m. and whatever time in the
11 afternoon you changed course, do you remember the
12 average speed of the wind?

13 A. No. I just know it picked up in the midday
14 sometime if I remember it correctly.

15 Q. Was it more or less than 10 knots, in your
16 estimation?

17 A. The wind?

18 Q. The wind.

19 A. The wind was much more than 10.

20 Q. Was it --

21 A. During the day it increased, and I don't -- I
22 can't remember exactly, but it was -- it was -- I
23 don't know. I don't know.

24 I don't know what the -- it was -- yes,

0154

1 Sunday afternoon it increased and it became 20,
2 25, I think, knots.

3 Q. What day -- what is the date of Sunday?

4 A. The date of Sunday?

5 Q. You said Sunday, but we've been using dates;
6 December 15th, et cetera.

7 A. 15th. 15th.

8 Q. So can you approximate for me what time in the
9 afternoon on the 15th the wind speed increased?

10 A. I can't tell -- say exactly time, but it is -- it
11 was during that time period.

12 Not early in the morning but during the day.

13 That's all I remember, but I don't know what
14 time.

15 Q. Was it afternoon?

16 A. The wind speed picked up before the wind
17 direction, I think. If I recall that correctly.
18 I don't know.

19 But, yes, it was afternoon.

20 Q. Was it before 6:00 in the evening?

21 A. Yes. I think so. It's very difficult to know
22 all these times; not -- even if it's three, four,
23 five hours.

24 Q. When the wind picked up in the afternoon, was the

0155

1 average speed greater than or less than 20 knots?
2 A. That I can't recall. I'm not sure.
3 Q. Can you estimate at all?
4 A. Well, it was more than 15 and the gusts would
5 have been more than 20. And that's to my
6 recollection. I mean ---
7 Q. That's all we can ask, the best of your
8 recollection, sir.

9 From 9:00 in the morning on 12/15 until the
10 time that you made this course correction, can
11 you tell me what the average height of the waves
12 or the swells were?

13 A. I can't tell you the average height, but they did
14 increase.
15 Q. What was the maximum height of any of the waves
16 or swells during that period?
17 A. I'm not -- I'm not sure exactly how high, but
18 they were increasing.
19 Q. Were the swells -- after the time they had
20 increased, were the swells more or less than a
21 foot high?
22 A. Oh, more.
23 Q. Were the swells more or less than 2 feet high?
24 A. Yes. And we can go on with this, but I don't

0156

1 know exactly how high.
2 Q. I'm not asking you exactly how high.
3 Were they more or less than 3 feet high?
4 A. Yes.
5 Q. Were they more or less than 4 feet high?
6 A. Yes.
7 Q. Were they more or less than 5 feet high?
8 A. Yes.
9 Q. Hold on a minute.
10 Were they more than 5 feet high?
11 A. Yes.
12 Q. Were the average height of the swells more than 6
13 feet high?
14 A. During what time period we're talking about now?
15 Afternoon?
16 Q. The period of 9:00 in the morning until whatever
17 time in the afternoon you executed the course
18 change.
19 A. Yeah, in the afternoon it was a little bit higher
20 than 6 feet, I think.
21 Q. Was the average height higher than 7 feet?
22 A. I don't know.
23 Q. During the period from 9:00 in the morning until
24 the course change was executed, what was the

0157

1 average length of time between each wave or
2 swell?

3 A. I do not know that.

4 Q. At the time you executed the course change, what
5 was the average height -- excuse me, what was the
6 average length of time between each wave or
7 swell?

8 A. I don't know. I never timed that.

9 Q. During the period from 9:00 in the morning on the
10 15th until whatever time the course change was
11 executed, what was the direction of the waves or
12 swells?

13 A. To my knowledge and recollection, it was
14 westerly. Westerly -- yeah, westerly, I would
15 say.

16 Q. During the period from 9:00 in the morning on the
17 15th until you executed the course change, what
18 was the general direction of the current?

19 A. I don't know.

20 Q. Do you know if the direction of the current
21 changed at all during that period?

22 A. No, I do not.

23 Q. During that same period, which is 9:00 in the
24 morning on the 15th until the course change was

0158

1 executed, do you know the average speed of the
2 current?

3 A. No, I do not.

4 Q. During that same period, did you make any entry
5 in the vessel's logbook?

6 A. No, nothing in addition to the GPS.

7 Q. Were the vessel's sails up at all during that
8 period?

9 A. Yes, the headsail.

10 Q. Was the headsail up the entire period?

11 A. Yes.

12 Q. Were there any reefs in the headsail during that
13 period?

14 A. I'm not sure exactly when, but I did roll in the
15 headsail a little bit when the wind started to
16 whip a little bit too much.

17 Q. But the headsail remained up?

18 A. Yes. You can make a note that it remained up the
19 whole voyage.

20 MS. NIEMEYER: I'm going to ask that we have
21 a -- a clarification of sorts on the record.

22 MR. GOLDMAN: Go ahead.

23 MS. NIEMEYER: Michael, you're speaking of
24 reefs, which in nautical terms generally are

0159

1 little ties and you'd bring the sail down a bit
2 and you'd make it smaller.

3 MR. GOLDMAN: That's my understanding.

4 MS. NIEMEYER: Mr. Andersson just spoke of
5 bringing it in a bit, because I'm assuming, and I
6 think it's just easier for the record and for
7 people to understand, that there may have been a
8 furling system of some sort that allowed the
9 headsail to be minimized very gradually; not like
10 a reef tie.

11 It's a whole different process.

12 BY MR. GOLDMAN:

13 Q. Mr. Andersson, let me ask this question.

14 What do you understand a reef in the headsail
15 to mean?

16 A. Well, I -- I know that you call yourself a
17 landlubber; so I guess I went along with your
18 terminology, and I said I reduced. I rolled it
19 in I said. I reduced the headsail.

20 Q. How much did you reduce the headsail?

21 A. I don't recall exactly, but a little bit because
22 I still could sail it.

23 Q. During that period from 9:00 in the morning on
24 the 15th until the time that you executed the

0160

1 course change, were you on the port or the
2 starboard tack?

3 A. Port.

4 Q. During that same period, were both the vessel's
5 engines in operation?

6 A. Yes.

7 Q. During that same period, what was the average RPM
8 of the engines?

9 A. I do not recall that.

10 Q. During that same period, what is the maximum RPM
11 at which the vessel's engines were operating?

12 A. Say that again.

13 Q. During that period, from 9:00 in the morning
14 until whatever time this course change was
15 executed, what was the maximum RPM at which the
16 vessel's engines were operating?

17 A. I don't know. I don't recall that.

18 Q. Were you at the helm of the vessel at any time
19 during that period?

20 A. During 9:00 to the change of course? Yes.

21 Q. Yes. Was Ron at the helm at any time during that
22 period?

23 A. Yes. And at the helm we mean the same thing as I
24 explained before; right? We're not actually

0161

1 steering the boat.

2 Q. I think we just spoke over each other; so just to
3 be clear, tell me what you mean by at the helm.

4 A. At the helm in this case is that we're sitting at
5 the starboard steering station where the radar
6 and the GPS is located; so that's where we sit
7 and monitor that when we are on watch.

8 And if that goes -- if Ron was on watch and I
9 was asleep in the salon and the -- it went blink
10 there where something went out of course, then he
11 could just wake me up and I could go up and fix
12 it.

13 Q. So he -- so by your understanding, he was sitting
14 at the steering station, at the helm, at some
15 point during that period?

16 A. Yes. But not steering the boat.

17 Q. I understand.

18 MR. GOLDMAN: Just one moment. I'm sorry, I
19 need just a moment. Just pause.

20 No need to go off the record. I'll be right
21 back.

22 MS. NIEMEYER: Mr. Andersson, are you getting
23 tired? Is this a good time to take a short
24 break?

0162

1 THE WITNESS: I am exhausted.

2 MR. GOLDMAN: All right. A short break is
3 fine with me.

4 THE WITNESS: Okay.

5 MS. NIEMEYER: Thank you.

6 (Recess was taken from 1:49 p.m. until 1:58 p.m.)

7 THE WITNESS: So I referred to my situation
8 as being very stressful here; so I've been giving
9 you the wrong tack when sailing up.

10 So it should be starboard tack. I don't know
11 where I am.

12 MR. GOLDMAN: Okay. So we are on the record
13 here? Okay.

14 I'm going to repeat what I think I
15 understand, and you tell me if I'm accurate; and,
16 Michelle, you tell me if I've gotten it right.

17 MS. NIEMEYER: Okay.

18 MR. GOLDMAN: I'm remembering correctly at
19 every single iteration, I have asked which tack,
20 and you have answered port tack.

21 However, you are saying that -- you're not
22 changing your testimony; you are merely saying
23 that you misspoke; you meant the starboard tack;
24 is that correct?

0163

1 THE WITNESS: Accurate.

2 MR. GOLDMAN: Splendid. Michelle, do you
3 have anything to add?

4 MS. NIEMEYER: No, just that, Michael, I --
5 Mr. Andersson brought this up and asked if he
6 should correct it, and in very early testimony he
7 said the wind was coming from the starboard and
8 if you're a sailor, that's a port tack.

9 And I -- it struck me as a little weird, but
10 I thought maybe at some point he had changed
11 direction.

12 I wasn't going to interfere with that, but he
13 brought it up and it appears and I think we just
14 need to clarify that at least from the entire
15 time from the course change to our present
16 questioning the boat was always on a starboard
17 tack.

18 MR. GOLDMAN: Okay.

19 MS. NIEMEYER: With the wind coming from
20 starboard and the boom on the port side; correct?

21 THE WITNESS: Yes.

22 MS. NIEMEYER: Okay.

23 MR. GOLDMAN: Is there anything else we need
24 to say, either question asked or question

0164

1 answered, that you feel is necessary to clarify
2 this issue?

3 MS. NIEMEYER: Mr. Andersson, you can't just
4 shake your head; you need to say yes or no.

5 THE WITNESS: Oh, I'm sorry. No, I don't
6 have any.

7 MR. GOLDMAN: Okay. Karen, can you please
8 read back my last question.

9 (The requested portion was read back by the
10 reporter.)

11 MR. GOLDMAN: Thank you. I'll be back with
12 my next question in just 30 seconds.

13 BY MR. GOLDMAN:

14 Q. All right. During that period between 9:00 in
15 the morning on the 15th and whatever time in the
16 afternoon there was a course change, were you
17 navigating the vessel at any time?

18 A. Can you clarify that question. What do you mean
19 by navigating it?

20 Q. Your definition.

21 A. Your definition.

22 MS. NIEMEYER: Mr. Goldman, you're asking the
23 questions.

24 Can you clarify what you mean by were you

0165

1 navigating the vessel.

2 MR. GOLDMAN: Yes, of course, I will.

3 BY MR. GOLDMAN:

4 Q. To navigate is defined as to plan and direct the
5 route or the course of the ship.

6 At any time during that period from 9:00 a.m.
7 on the 15th until the time of the course change,
8 were you ever navigating the vessel?

9 A. I want you to read that to me again.

10 Q. I certainly will, sir.

11 MR. GOLDMAN: And, Michelle, just for
12 clarification, I'm reading from the New
13 American -- "New Oxford American Dictionary" from
14 2005, and there are other definitions that are
15 not relevant, for instance as you -- in a
16 zoological sense.

17 I am reading the only one which is relevant
18 to our particular circumstances, but if you'd
19 like, I can put the whole thing on the record.

20 MS. NIEMEYER: No, that's fine. Just reread
21 what you said, which is a navigation in an
22 admiralty context.

23 MR. GOLDMAN: I won't say -- it's not a --

24 MS. NIEMEYER: It's not a legal definition,

0166

1 but it's a dictionary definition of navigate.

2 MR. GOLDMAN: That's correct. Okay. And
3 don't misunderstand, I'm not going to -- well,
4 anyway.

5 BY MR. GOLDMAN:

6 Q. To navigate as I am using it, To plan and direct
7 the route or course of a ship, aircraft, or other
8 form of transportation.

9 MS. NIEMEYER: Mr. Goldman, before we rely
10 upon that rather unclear definition, when you say
11 to -- to plan or direct and -- the word direct in
12 that, are you including steering, or are you
13 including just making the plan or making the
14 decisions about the plan?

15 MR. GOLDMAN: As I am using it, I think I am
16 only using the latter definition.

17 MS. NIEMEYER: Okay. So, Mr. Andersson, are
18 you clear on that? That the meaning is about
19 planning the direct -- the route for the boat?

20 THE WITNESS: Planning and directing, yes.

21 MS. NIEMEYER: Okay.

22 MR. GOLDMAN: Very good.

23 And whenever I -- unless I say otherwise, if
24 I -- I'm going to ask that navigation question

0167

1 again, I will specify if I'm using a different
2 definition.

3 MS. NIEMEYER: Perhaps we could use the word
4 steering to mean turning the boat as opposed
5 to --

6 MR. GOLDMAN: I'll consider it. I'll see as
7 the question comes. I will endeavor to be clear
8 with what I mean.

9 MS. NIEMEYER: Okay.

10 BY MR. GOLDMAN:

11 Q. So under that definition that I just read, were
12 you navigating the vessel at all at any time
13 between 9:00 in the morning on the 15th and
14 whatever time in the afternoon the course change
15 occurred?

16 A. You know what, I'm sorry to nitpick here, but
17 when you say did I navigate or -- at any moment,
18 it was entered into the autopilot; so I only
19 monitored the autopilot.

20 So, A, I planned where to go and I put it
21 into the autopilot, and then I monitored it.

22 Q. Okay.

23 A. But I did not like navigate between islands or
24 between boats, other boats or other traffic. I

0168

1 just did that.

2 So that's why it is tricky for me to answer.

3 Q. I understand. I think that does answer my
4 question.

5 So with reference to those things you just
6 named, did Ron ever do anything to navigate the
7 vessel between 9:00 in the morning on the 15th
8 and whatever time in the afternoon there was a
9 course change?

10 A. No.

11 Q. I'm sorry. You cut out. Can you repeat that.

12 A. No.

13 Q. Splendid. Thank you. Between that time of 9:00
14 in the morning and that time in the afternoon on
15 the 15th, were you acting as lookout at any time?

16 A. Yes.

17 Q. Was Ron acting as lookout at any time?

18 A. Yes.

19 Q. Did you sleep at any time during 9:00 in the
20 morning and that afternoon on the 15th?

21 A. 9:00 and then -- yes.

22 Q. Do you know where Ron was during the time that
23 you were asleep?

24 A. He was sitting on the starboard steering station

0169

- 1 where the GPS and radar is.
- 2 Q. Can you please describe for me what instruments
- 3 are at the starboard steering station.
- 4 A. There is a loudspeaker for the VHF so you hear
- 5 that. There is a radar screen and the GPS.
- 6 Q. What controls are there for the operation of the
- 7 vessel?
- 8 A. You can -- you can discontinue the autopilot and
- 9 put it on manual, you can do right there.
- 10 Q. Is there a throttle at that station?
- 11 A. There are two throttles.
- 12 Q. Is there a steering wheel at that station?
- 13 A. Yes.
- 14 Q. Is there anything at that station that can
- 15 manipulate the sails?
- 16 A. No.
- 17 Q. Between the period of 9:00 in the morning on the
- 18 15th and whatever time that afternoon the course
- 19 change was executed, was Ronald Naranjo -- is it
- 20 Naranja or Naranjo?
- 21 A. Naranjo.
- 22 Q. Was Ronald Naranjo seasick at any time during
- 23 that period?
- 24 A. He was becoming queasy during the day. I don't

0170

- 1 know exactly when.
- 2 Q. Was it before the course change was executed?
- 3 A. He was queasy before, but not seasick as such.
- 4 If I -- that's what my recollection is.
- 5 Q. Beyond saying that he was queasy, can you
- 6 describe any of his other symptoms?
- 7 A. No, just queasy. He felt, you know, like
- 8 nauseous.
- 9 Q. Was anything done to treat his symptoms?
- 10 A. No.
- 11 Q. Was he able to eat or drink?
- 12 A. We ate -- during the day, you eat a little bit
- 13 every now and then, yes; he did eat, yes.
- 14 Q. Was he administered any medication?
- 15 A. No.
- 16 Q. Was the vessel's radar on at any time during that
- 17 period of 9:00 in the morning until the afternoon
- 18 when the course change was executed?
- 19 A. Yes.
- 20 Q. The entire time?
- 21 A. Yes.
- 22 Q. Was the vessel's VHF radio functioning the entire
- 23 time between 9:00 in the morning on the 15th and
- 24 whatever time in the afternoon the course change

0171

1 was executed?
2 A. As far as we understood, yes.
3 Q. Were the GPS units functioning during that
4 period?
5 A. Yes.
6 Q. At the time the course change was executed, do
7 you know -- can you give any approximation as to
8 how many miles you were from Aruba?
9 A. No, I cannot. I cannot. I cannot. That's a
10 tough -- I mean, I -- -- no, I can't.
11 I'm sorry. I can't remember it.
12 Q. Can you give any estimation at all as to how far
13 you were from any point of land?
14 A. No, not really. I mean, that would be -- Aruba
15 was -- would probably be -- still be the
16 nearest -- I'm not sure. I'm not sure of that
17 question.
18 MS. NIEMEYER: I'm going to remind my client
19 not to guess.
20 THE WITNESS: Okay. I'm not guessing.

21 BY MR. GOLDMAN:

22 Q. I'm never asking you to guess, just to give a
23 better --
24 A. I know.

0172

1 Q. If you have any knowledge that might inform an
2 estimate, but of course never guess.
3 During that period from 9:00 in the morning
4 on the 15th until the time that the course change
5 was executed, did you make any contact with the
6 shore?
7 A. Not to my knowledge, no.
8 Q. Was the autopilot on during that entire period?
9 A. Yes.
10 Q. Did you use the autopilot to make the course
11 correction?
12 A. In the afternoon, yes, I -- that's what I used to
13 change. You can change it on the autopilot
14 itself.
15 MR. GOLDMAN: Since we seem to make such good
16 progress with the time, I need to pause for just
17 a moment, go on mute, and check a note; and then
18 we will continue from there.
19 (Pause in the proceedings.)

20 BY MR. GOLDMAN:

21 Q. Am I remembering correctly that you made your
22 next course change sometime in the afternoon on
23 December 15th?
24 A. Correct.

0173

1 Q. Do you recall if that was before 6:00 p.m. on the
2 15th?

3 MS. NIEMEYER: Before you answer that
4 question, Mr. Goldman, I just want to make sure
5 the record is absolutely clear.

6 When you say you made the next course change,
7 are you referring to -- there was a course change
8 when Mr. Andersson rounded the eastern point of
9 Aruba and he went to 55 degrees.

10 Is this the next course change you're talking
11 about?

12 MR. GOLDMAN: Yes. As I understand it up to
13 now, up to this moment I have gotten to, he has
14 been on a course of approximately 55 degrees, and
15 I am asking -- I'm trying to ascertain the
16 approximate time that he changed course from 55
17 degrees.

18 Is that your understanding as well, Michelle?

19 MS. NIEMEYER: Yeah. I just wanted to make
20 sure it was clear because when you said your next
21 course change, it's not really clear what we're
22 talking about.

23 MR. GOLDMAN: Okay. I'll ask it even more
24 specific.

0174

1 BY MR. GOLDMAN:

2 Q. Mr. Andersson, am I remembering correctly that
3 sometime in the afternoon of the 15th you
4 executed a course change from 55 -- approximately
5 55 degrees to another course; is that correct?

6 A. Correct.

7 Q. Okay. Was that before or after -- if you
8 remember at all, before or after 6:00 p.m. on the
9 15th?

10 A. I'm not sure.

11 Q. Was it before -- was it before or after sunset on
12 the 15th?

13 A. To my recollection, it was before sunset.

14 Q. I'll ask a specific question; then a general one.

15 Do you recall exactly what degree you set the
16 new course for?

17 A. Well, if my memory serves me, I would always do
18 as little as possible to make headway in the
19 direction I want to go; so I probably did maybe 5
20 degrees to begin with. So from 55 to 50.

21 Q. Now, you said "to begin with." What course did
22 you end with when you completed making your
23 course change?

24 MS. NIEMEYER: Objection to form.

0175

1 BY MR. GOLDMAN:

2 Q. You can answer, Mr. Andersson.

3 A. I don't recall exactly what course I ended up
4 with.

5 Q. Can you tell me approximately what point on the
6 compass you were headed towards when you finished
7 executing your course change?

8 MS. NIEMEYER: Objection to form.

9 The compass point would be the same thing.

10 Q. By compass point, I mean not the degree on a
11 360-degree compass but north, south, east, west,
12 et cetera.

13 A. So it's -- if I understand the question right,
14 which I doubt here because we're -- I mean,
15 degrees is what you use, and that's more exact
16 than north and east, but -- so put it this way
17 then. If this is going to work, it was more
18 northerly than the 55, but it was not north.

19 The degrees is what you should use.

20 Q. Can you tell me in degrees?

21 A. Well, I told you. Like I said, I usually do 5
22 degrees; as little as I can get away with. And
23 that's what I used to do.

24 Q. At midnight on the night of

0176

1 December 15th-December 16th, what was your
2 course?

3 A. At some point, but I don't know when, I actually
4 went a little bit further north towards the
5 northern -- more northerly course, and that's
6 what I did, yeah.

7 But I don't exactly know how many degrees
8 again because it's all by feeling to see where
9 the wind is.

10 Q. Did you look at your vessel's compass at any time
11 between sunset and midnight on the 15th-16th?

12 A. Yes.

13 Q. What did your -- at what point did you look at
14 the compass?

15 A. I don't know. You look at it all the time
16 because it's a compass there at the steering
17 station too, with the radar and everything. So
18 you see everything.

19 Q. Do you remember at any point between sunset and
20 midnight what the -- what the bearing was on your
21 compass?

22 A. No. Not exactly, no.

23 Q. Do you remember between sunset and midnight on
24 the 15th-16th what was your vessel's average

0177

1 speed?
2 A. Again, that's difficult to say. I -- I ran the
3 sail -- the headsail slightly reduced and then
4 both engines.
5 Q. Was your average speed greater than 5 knots --
6 A. Yes.
7 Q. -- to your best estimation?
8 A. Yes. To my best estimation, yes.
9 Q. Let me repeat the whole thing because we spoke
10 over each other for just a moment. I want to
11 make sure the record is correct.
12 Without guessing, to your best estimation,
13 was your speed during that period greater than 5
14 knots?
15 A. To my best estimation, yes.
16 Q. To your best estimation during that same period,
17 was your speed greater than or less than 10
18 knots?
19 A. To my best estimation, it is less.
20 Q. Can you refresh my recollection, why did you make
21 that course change that afternoon?
22 A. Because the wind changed. As I said before, the
23 wind changed from more easterly to more
24 northeasterly.

0178

1 Q. Could you not maintain the course that you were
2 on?
3 A. Not really.
4 Q. Why could you not maintain the course that you
5 were on?
6 A. Because the wind and the -- the sea was building
7 up.
8 Q. Based on the direction of the wind and the sea,
9 could you have returned to Aruba?
10 A. Not safely I think.
11 Q. Why not?
12 A. Because from the wind and the -- the sea that
13 starts to build, when you go over the catamaran
14 like that downwind when the sea is building up,
15 you can lose control going down a surf and the --
16 the ship can capsize.
17 Q. What effect -- would the effect on the catamaran
18 have been the same with no sail set?
19 A. Yeah.
20 Q. At the time that you decided to change course,
21 could you have safely navigated to any other
22 point of land to the southeast?
23 I'm sorry. Please excuse me. Let me ask a
24 better question.

0179

1 At the time you decided to execute a course
2 change, could you have safely navigated to any
3 other point of land to your southeast that was
4 not Venezuela?

5 MS. NIEMEYER: I'm going to ask for a
6 clarification here.

7 When you're talking about this course change,
8 you're talking about the one that happened
9 somewhere around sunset?

10 Is that what you're talking about?

11 MR. GOLDMAN: My recollection -- just a
12 moment. Let's go off the record.

13 (Pause in the proceedings.)

14 BY MR. GOLDMAN:

15 Q. At the time, Mr. Andersson, that you executed
16 this course change before sunset on the 15th,
17 could you have safely navigated your vessel to
18 any point of land to the southeast that was not
19 Venezuela?

20 A. I -- I would not do that. I wouldn't do that. I
21 didn't think it was safe because when I -- when
22 we sailed from Grenada to Aruba, you stay far
23 north of the Venezuelan islands and also the --
24 the Bonaire and Curacao; so then when you want to

0180

1 go to that specific island, you actually come
2 down to it.

3 So I had the same idea then. I wouldn't go
4 down close to that.

5 Q. Could you have navigated to Bonaire or Curacao?

6 A. That's what I'm saying. I didn't want to go too
7 close to there.

8 Q. Why not?

9 A. Because the Venezuelan islands, if you look at
10 the map that -- the Venezuelan islands east of
11 them, they operate from there; the pirates.

12 Q. Are --

13 A. They can come to Bonaire and Curacao on the north
14 side, but they can't go all the way to Aruba
15 because they don't have any fuel left to go back.

16 Q. Are Bonaire and Curacao Venezuelan islands?

17 A. No.

18 Q. Okay. After you completed executing the course
19 change, from that time -- hold on just a moment.

20 (Pause in the proceedings.)

21 BY MR. GOLDMAN:

22 Q. Between the time you executed the course change
23 after sunset on the 15th until midnight on the
24 night of the 15th-16th, can you refresh my

0181

1 recollection, what was your vessel's general
2 course?
3 A. I went from 55 to around 50.
4 Q. And can you refresh my recollection, what was
5 your vessel's average speed during that period?
6 A. That I don't know, but we said before that it was
7 probably -- it was greater than 5, but not as
8 great as 10.
9 Q. Thank you for being patient with me and repeating
10 that answer. I do remember now that you said
11 that.

12 Do you recall the direction of the wind
13 during that period?

14 MS. NIEMEYER: Objection. Asked and
15 answered.

16 You can answer.

17 A. Okay. It was east/northeast. It was veering up
18 to more to northeast.

19 BY MR. GOLDMAN:

20 Q. And can you tell me what the average wind speed
21 was during that period?

22 A. Are we talking about 6:00 p.m. to midnight now;
23 right?

24 Q. From the time the course change was executed

0182

1 until midnight.

2 A. So around, but we don't know, yeah.

3 Anyway, it was around -- I think it was
4 around 20, 25 knots.

5 Q. Can you tell me what the gusting speed was?

6 A. That was over 25.

7 Q. Can you tell me the height -- the average height
8 of the waves or the swells during that period?

9 A. Well, that's -- that was, I don't know, 8 to 12
10 maybe.

11 I don't know exactly, but greater than 8.

12 Q. Can you tell me, if you recall, the average
13 length of time between each wave or swell during
14 that period?

15 A. No, I cannot.

16 Q. Can you tell me the general direction of the
17 waves or the swells during that period?

18 A. I cannot. I cannot to exactly because I'm not
19 supposed to assume, even if you have wind and all
20 that. I don't know.

21 Q. Without guessing you can't give even an --

22 A. I can guess, but I'm not supposed to guess.

23 MS. NIEMEYER: Don't guess.

24 BY MR. GOLDMAN:

0183

- 1 Q. During that period, do you recall the general
- 2 direction of the current?
- 3 A. No, I do not.
- 4 Q. During that period, do you recall the general
- 5 speed of the current?
- 6 A. No, I do not.
- 7 Q. Did you make any entry in the vessel's logs
- 8 during that period?
- 9 A. Not in addition to the GPS and radar.
- 10 Q. Were any of the vessel's sails still up during
- 11 that period?
- 12 A. Yes, the headsail.
- 13 Q. Were there any reefs in the headsail during that
- 14 period?
- 15 A. The head was reduced. Yes, it was reduced.
- 16 Q. Is there a term you'd prefer that I use?
- 17 A. Well, usually we use reduced on a headsail.
- 18 Q. I will try to remember.
- 19 A. I mean, I say that.
- 20 Q. Were you on the port or the starboard tack during
- 21 that period?
- 22 A. Starboard tack.
- 23 Q. Were both of the vessel's engines in use?
- 24 A. Yes.

0184

- 1 Q. What was the average RPM of the vessel's engines
- 2 during that period?
- 3 A. I do not know.
- 4 Q. Do you recall the maximum RPM at which the
- 5 vessel's engines were operated during that
- 6 period?
- 7 A. No, I do not.
- 8 Q. At any time during that period, were you at the
- 9 vessel's steering station?
- 10 A. Yes.
- 11 Q. At any time during that period was Ron at the
- 12 vessel's steering station?
- 13 A. Yes.
- 14 Q. At any time during that period, did you operate
- 15 the vessel's wheel or throttles?
- 16 A. No.
- 17 Q. At any time during that period did Ron operate
- 18 the vessel's wheel or throttle?
- 19 A. No.
- 20 Q. At any time during that period were you
- 21 navigating the vessel?
- 22 A. Are we back to sitting at the station now? Or
- 23 changing course? I can't remember now.
- 24 Q. Let's continue to use that definition of

0185

1 navigating.

2 Were you -- at any time during that period,
3 were you the one planning or directing the route
4 or course of the ship?

5 MS. NIEMEYER: I'm going to object for
6 clarity's sake.

7 Are you referring to after the course change
8 happened, or are you including the course change
9 in what you're asking him?

10 MR. GOLDMAN: Let's include it. To be clear.

11 BY MR. GOLDMAN:

12 Q. At the time of the course change and the period
13 from that time until midnight on the night of the
14 15th-16th, were you planning and directing the
15 route or course of the ship?

16 A. Yes.

17 Q. And I'll ask the same about Ron.

18 At any time, either at the time of the course
19 change or during the period after until midnight
20 on the 15th-16th, was Ron planning or directing
21 the route or course of the ship?

22 A. He did not change any course at all. He only
23 watched instruments.

24 Q. Instruments he would have seen from sitting at

0186

1 the steering station; correct?

2 A. Correct.

3 Q. Was Ron seasick at any time from -- either
4 from -- either at the time of the course change
5 or during the period up until midnight?

6 A. Yes.

7 Q. What were his symptoms?

8 A. He was nauseous, and I can't remember if he had
9 thrown up by then, but I cannot -- I cannot
10 remember exactly that.

11 Q. Was anything done to treat his symptoms?

12 A. No.

13 Q. Could he eat or drink?

14 A. Yes.

15 Q. Was he administered any medication?

16 A. No.

17 Q. Did you or he consume any food or drink during
18 that period?

19 A. Yes.

20 Q. Was the vessel's radar on during that period?

21 A. Yes.

22 Q. And was the vessel's VHF radio functioning during
23 that period?

24 A. As far as I know, yes.

0187

1 Q. Were the vessel's GPS units functioning during
2 that period?
3 A. Yes.
4 Q. Do you know what the closest safe port was at the
5 time that you executed the course change?
6 A. No.
7 Q. Do you know how many miles you were from Aruba at
8 the time that you executed the course change?
9 A. No.
10 Q. Can you give any -- without guessing, can you
11 give any estimate as to how far you were from any
12 point of land at the time you executed the course
13 change?
14 A. No.
15 Q. Was the autopilot in use at the time you executed
16 the course change?
17 A. Yes.
18 Q. Did you execute the course change by entering a
19 different course in the autopilot?
20 A. I reduced the course by -- you can do it by one
21 degree; so I did that maybe 4 or 5 degrees I
22 changed it to go northerly -- more northerly than
23 I was.
24 Q. Was the autopilot in use the entire period from

0188

1 the moment of the course change until midnight on
2 the 15th-16th?
3 A. Yes.
4 Q. All right. Turning to midnight. Do you recall
5 what the vessel's course was generally -- the
6 general course of the vessel between midnight on
7 the 15th-16th and 4:00 a.m. on the 16th?
8 A. Say that again, please.
9 Q. Do you recall what the vessel's general course
10 was between midnight on the 15th-16th and 4:00
11 a.m. on the 16th?
12 A. I think it was about the same. My best
13 recollection is that it was about, you know, 50
14 degrees; 45-50 degrees.
15 Q. Do you remember your vessel's average speed
16 during that same period?
17 A. No, unfortunately not.
18 Q. Do you remember the average -- the general
19 direction of the wind during that period?
20 A. Yeah, northeast, if I remember it correctly.
21 Q. That was -- that would mean blowing from the
22 southwest to the northeast?
23 A. Opposite. Blowing from northeast.
24 Q. Got it. Thank you.

0189

1 Do you remember the average speed of the wind
2 during that period?

3 A. Well, it was around -- yeah, lower 20s, mid 20s.

4 Q. Do you remember what the gusting speed of the
5 wind was?

6 A. Could be around 30.

7 Q. Do you remember the average height of the waves
8 or swells during that period?

9 A. No. It was -- they had built up pretty much --
10 so what did I say before, about 8? Yeah about 8,
11 10.

12 Q. 8, 10 feet?

13 A. Yes.

14 Q. Thank you. Do you remember the general direction
15 of the waves or swells during that period?

16 A. Well, the wind came from the east to the
17 northeast; so the swells must have been the other
18 direction.

19 MS. NIEMEYER: I'm going to just intervene
20 here, Mr. Andersson.

21 Please don't guess.

22 THE WITNESS: Okay. No, then I don't know.

23 BY MR. GOLDMAN:

24 Q. Do you remember the general direction of the

0190

1 current during that period?

2 A. No.

3 Q. Do you remember the general speed of the current
4 during that period?

5 A. No.

6 Q. Did you make any entry in the vessel's logbook
7 during that period?

8 A. No. Not in addition to the GPS, no.

9 Q. Were any of the vessel's sails up during that
10 period?

11 A. Yes, the headsail.

12 Q. Had the headsail been reduced at all during that
13 period?

14 Or not had. Let me ask a better question.

15 Was the headsail reduced at all during that
16 period?

17 MS. NIEMEYER: Objection to form.

18 It's not clear if you're talking about
19 reduced from its full capacity or reduced from
20 the prior time period.

21 BY MR. GOLDMAN:

22 Q. Was the headsail reduced from its full capacity
23 at any time during that period?

24 A. I'm not sure if the time was -- if it was before

0191

1 midnight. I'm not sure.

2 Q. At any point in the voyage between now and the
3 end of it, was the headsail reduced any further?

4 A. Yes.

5 Q. Were the vessel's engines in use during that
6 period?

7 A. Yes.

8 Q. Do you know what the average RPM of the vessel's
9 engines were during that period?

10 A. No.

11 Q. Do you know what the maximum RPM at which the
12 vessel's engines were operated during that
13 period?

14 A. No.

15 Q. Were you at the steering station at any time
16 between midnight on the 15th-16th and 4:00 in the
17 morning on the 16th?

18 A. Yes.

19 Q. What were you doing at the steering station at
20 those times?

21 A. Monitoring the weather, the sail, and all the
22 instruments.

23 Q. Did you operate any of the vessel's -- or did you
24 operate the vessel's wheel or throttle?

0192

1 A. No.

2 Q. Was Ron at the steering station at any time
3 between midnight on the 15th-16th and 4:00 in the
4 morning on the 16th?

5 A. Yes.

6 Q. Did he -- what was he doing at the steering
7 station during that period?

8 A. He was looking out for life and looking at the
9 radar and the GPS.

10 Q. Did he operate the vessel's wheel or throttle at
11 any time during that period?

12 A. No.

13 Q. Did you sleep at all anytime during that period?

14 A. Yes.

15 Q. Did Ron sleep at all anytime during that period?

16 A. Yes.

17 Q. Was Ron seasick during that period?

18 A. Yes.

19 Q. What were his symptoms?

20 A. Nauseous. He -- I don't know when, but he threw
21 up a few times; but he kept eating.

22 Q. Was he administered any medication, or was
23 anything done to treat his symptoms?

24 A. No.

0193

1 Q. He was able to sit at the steering station and
2 monitor the instruments?
3 A. Yes.
4 Q. Did you consume any food or drink during that
5 period?
6 A. I'm sure I did.
7 Q. Was the vessel's radar on during that period?
8 A. Yes.
9 Q. Was the vessel's VHF radio still functioning
10 during that period?
11 A. I'm not sure.
12 Q. Can you remember, did the VH- -- did the vessel's
13 VHF radio cease functioning on the 16th?
14 A. I don't know. We could receive transmissions on
15 the VHF all the way, but we could not transmit;
16 and we only found that out when we arrived at
17 Santo Domingo.
18 Q. Did you try to transmit with the VHF radio at any
19 time on the 16th?
20 A. No.
21 Q. Were the GPS units functioning during that
22 period?
23 A. Yes.
24 Q. Do you know how far you were from Aruba at that

0194

1 point?
2 A. No.
3 Q. Do you know how many miles you were from any
4 point of land during that period?
5 A. No, not really.
6 Q. Was the --
7 A. I can't recall.
8 Q. Please excuse me, sir. I'm sorry.
9 A. No, I can't recall that, no.
10 Q. Was the autopilot in use during that entire
11 period?
12 A. Yes.
13 Q. All right. Turning to the next period; from 4:00
14 in the morning to 8:00 in the morning on the
15 16th.

16 Can you tell me if you remember what your
17 vessel's general course was between 4:00 in the
18 morning and 8:00 in the morning on the 16th?

19 MS. NIEMEYER: I'm going to interject here
20 just to make sure we have a little clarity.

21 The 16th is Monday; correct?

22 MR. GOLDMAN: Yes, it is.

23 MS. NIEMEYER: Okay.

24 BY MS. NIEMEYER:

0195

1 Q. Do you recall your vessel's general course during
2 that four-hour period on the 16th?
3 A. I think it was -- during sometime there I went a
4 little bit more northerly, and that's because
5 when Ron was sick.
6 Q. More northerly than you were traveling during the
7 previous period from the night before?
8 A. Yes.
9 Q. Were you traveling east of north or west of
10 north?

11 MS. NIEMEYER: Objection to form.
12 Northerly does not mean going north directly,
13 but, Mr. Andersson, you can answer to the best of
14 your understanding.

15 A. I was steering northeasterly, right, or the
16 autopilot was on northeasterly. That's 45
17 degrees.

18 BY MR. GOLDMAN:

19 Q. Thank you.
20 A. So that's -- and then I went a little bit more
21 northerly, meaning maybe another 5 degrees, when
22 the wind became more northeast to north.
23 Q. Do you remember your vessel's average speed
24 during that period from 4:00 in the morning to

0196

1 8:00 in the morning on the 16th?
2 A. No, I do not.
3 Q. Do you remember your vessel's maximum speed
4 during that period?
5 A. No, I do not.
6 Q. Do you remember the general direction of the wind
7 during that period?
8 A. Northeast to -- northeasterly.
9 Q. Do you remember the average speed of the wind
10 during that period?
11 A. No.
12 Q. Do you remember the gusting speed of the wind
13 during that period?
14 A. Yeah, it was maybe 30.

15 MS. NIEMEYER: Objection.
16 Don't guess.
17 THE WITNESS: Sorry.
18 BY MR. GOLDMAN:
19 Q. Can you approximate the gusting speed of the wind
20 during that period without guessing?
21 A. No, I can't.
22 Q. Can you tell me the average height of the waves
23 or swells during that period?
24 A. 10. 8 to 10.

0197

- 1 Q. Can you tell me the average length of time
- 2 between each wave or swell?
- 3 A. No.
- 4 Q. Can you tell me the direction of the waves or
- 5 swells?
- 6 A. No.
- 7 Q. Do you remember the general direction of the
- 8 current during that period?
- 9 A. No.
- 10 Q. Do you remember the general speed of the current
- 11 during that period?
- 12 A. No.
- 13 Q. Did you make any entry in the vessel's logbook
- 14 during that period?
- 15 A. Not in addition to the GPS and radar.
- 16 Q. Were the vessel's sails up at any time during
- 17 that period?
- 18 A. Yes.
- 19 Q. Was that still the -- only the headsail?
- 20 A. Yes.
- 21 Q. During that period, did you reduce the headsail
- 22 any further?
- 23 A. Where are we now? 4:00 and 8:00 in the morning?
- 24 Q. Yes.

0198

- 1 A. I'm not sure.
- 2 Q. Do you recall if you were on the port or the
- 3 starboard tack?
- 4 A. Starboard tack.
- 5 Q. Were both vessel's engines in use?
- 6 A. Yes.
- 7 Q. Do you remember the average RPM of the vessel's
- 8 engines during that period?
- 9 A. No.
- 10 Q. Do you remember the maximum RPM at which the
- 11 vessel's engines were operating during that
- 12 period?
- 13 A. No.
- 14 Q. Were you at the steering station at any time
- 15 during that period?
- 16 A. Yes.
- 17 Q. Did you operate the vessel's wheel or throttle
- 18 during that period?
- 19 A. No.
- 20 Q. Were you monitoring the vessel's instruments at
- 21 the steering station during that period?
- 22 A. Yes.
- 23 Q. At any point -- I'm sorry, I spoke over you. Let
- 24 me ask my question again; make sure we get the

0199

1 record straight.

2 At any time during that period were you
3 monitoring the vessel's instruments at the
4 steering station?

5 A. Yes.

6 Q. Was Ron at any point during that period of time
7 at the vessel's steering station?

8 A. Yes.

9 Q. Was he -- at any time during that period, did he
10 operate the vessel's wheel or throttle?

11 A. No.

12 Q. At any time during that period, was Ron
13 monitoring the vessel's instruments?

14 A. Yes.

15 Q. Did you sleep at any time during that period?

16 A. I'm not sure.

17 Q. Did Ron sleep at any time during that period?

18 A. I'm not sure.

19 Q. Was Ron seasick during this period?

20 A. Yes.

21 Q. What were his symptoms?

22 A. Nausea. I don't know if he was throwing up, but
23 he was eating and had nausea and drank water.

24 Q. Did he take any medication or was anything else

0200

1 done to treat his symptoms?

2 A. No.

3 Q. Did you consume any food or drink during this
4 period?

5 A. Yes.

6 Q. Do you know what the closest safe port was during
7 this period?

8 A. At the time, we were aiming at Ponce,
9 Puerto Rico.

10 Q. Do you know how many miles approximately you were
11 from Puerto Rico at any time during that
12 period?

13 A. Not exactly. No, I don't know.

14 Q. Without guessing, can you estimate to within a
15 hundred miles of how far you were from
16 Puerto Rico at that time?

17 A. No, I don't want to guess.

18 Q. Never guess. Was the vessel's autopilot in use
19 during that entire period, from 4:00 to 8:00, on
20 the 16th?

21 A. Yes.

22 Q. All right. We're making progress.

23 During the next period, from 8:00 in the
24 morning until noon on the 16th -- hold on just

0201

3 BY MR. GOLDMAN:

4 Q. Let me go back and ask a question I forgot just
5 to repeat it.

6 At any time from midnight to 8:00 in the
7 morning on the 16th, did you make any attempts to
8 turn back towards Aruba?

9 A. No.

10 Q. Could you have turned back towards Aruba?

11 A. I didn't find it safe.

12 Q. Why was it unsafe?

13 A. As I mentioned before, the wind and the waves
14 could have easily pushed the boat sideways and
15 capsized it.

16 Q. Did you make any attempt to turn back toward
17 Curacao or Bonaire?

18 A. As I said before, no, it wasn't safe I thought.

19 Q. Just to be thorough, I'm going to be asking the
20 same questions just to be certain; and I'm sure
21 you will give the same answers.

22 Could you have -- is there any other point of
23 land to the east that it would have been safe to
24 turn towards?

0202

1 Let me ask a more specific question.

2 Would it have been safe to navigate towards
3 Grenada?

4 A. No, because then I had -- then I go straight into
5 the sea.

6 Q. would it have b

7 St. Vincent or St. Lucia?
8 A. No, same thing.
9 Q. Would it have been safe to navigate towards
10 Martinique?

10 Martinique?
11 A. No. No, not. And it was further to Martinique
12 and those islands than it was to Puerto Rico.

13 Q. Okay. Turning to the period from 8:00 in the
14 morning -- sorry. Just a moment.

15 (Pause in the proceedings.)

16 MR. GOLDMAN: All right. I'm sorry. My
17 associate keeps bothering me. She's invaluable,
18 though. Okay.

19 BY MR. GOLDMAN:

20 Q. Turning to the period from 8:00 in the morning
21 until 12:00 on the 16th, do you recall the
22 vessel's general course during that period?

23 A. Well, generally I was either going the way I was
24 or had turned maybe another few degrees

0203

1 northerly.

2 Q. Can you give me a number of how many degrees

3 northerly you might have turned?

4 A. I cannot give you an exact number. But it's -- I

5 follow the wind; and if the wind is too much on

6 the nose, I have to fall off a little bit.

7 Q. Can you approximate your northerly bearing?

8 MS. NIEMEYER: I'll order my client not to

9 guess.

10 MR. GOLDMAN: Of course not.

11 THE WITNESS: I'm not -- sorry.

12 BY MR. GOLDMAN:

13 Q. Okay. More northerly than during the previous

14 period?

15 A. Yes, slightly, yes.

16 Q. Okay. During this period from 8:00 in the

17 morning to the -- to noon on the 16th, can you

18 recall your approx- -- average speed?

19 A. Well, during -- I don't know when it was, but at

20 some point, I turned the engines off; and at that

21 time, I did do 7 knots with the headsail only.

22 Q. Did you turn the engines off before or after noon

23 on the 16th?

24 A. I can't recall that. I don't know.

0204

1 Q. Okay. Do you recall the direction of the -- the

2 average direction of the wind during that period?

3 A. It had turned more northerly.

4 Q. Do you recall the average speed of the wind

5 during that period?

6 A. No. No.

7 Q. Do you recall the maximum speed of the wind

8 during that period?

9 A. No.

10 Q. Do you recall the average height of the waves or

11 the swells during that period?

12 A. No, I can't guess.

13 Q. Do you remember the average length of time

14 between each wave or swell?

15 A. No.

16 Q. Do you remember the general direction of the

17 waves or swells?

18 A. No.

19 Q. Do you recall the general direction of the

20 current during that period?

21 A. No.

22 Q. Do you recall the general direction of the

23 current at any time on the 16th?

24 A. No.

0205

1 Q. Do you recall the average speed of the current
2 during that period, from 8:00 in the morning to
3 noon on the 16th?

4 A. No.

5 Q. Did you make any entry in the vessel's -- any
6 entries in the vessel's logbook during that
7 period?

8 A. No. Not in addition to the GPS.

9 Q. Were any of the vessel's sails still up during
10 that period?

11 A. Yes.

12 Q. Which sails were up?

13 A. The headsail.

14 Q. Did you reduce the headsail any further from
15 where it was in the previous period?

16 A. I don't know.

17 Q. Were you on the port or the starboard tack?

18 A. Starboard.

19 Q. Were both of the vessel's engines still in use
20 during that entire period?

21 A. My recollection is that I stopped the engines and
22 sailed when I could.
23 I don't know when I turned them on and off
24 exactly. Off and on, I'm sorry.

0206

1 Q. You don't recall if it was before noon or
2 after noon; is that correct?

3 A. No, that's right.

4 Q. Do you recall the average RPM of the vessel -- of
5 the engines during that period?

6 A. No, I do not.

7 Q. Do you recall the maximum RPMs at which the
8 engines were operating during that period?

9 A. No, I do not.

10 Q. Were you at the vessel's steering station at any
11 time during that period?

12 A. This is 8:00 to 12:00 now we're talking?

13 Q. Yes.

14 A. Yes, I was.

15 Q. Did you operate the vessel's steering wheel or
16 throttle during that period?

17 A. No.

18 Q. Did you operate the autopilot at all during that
19 period?

20 A. I don't recall.

21 Q. Was Ron at the vessel's steering station at any
22 time during that period?

23 A. Yes, he was.

24 Q. Let me go back and ask a question about you.

0207

1 What were you doing at the steering station
2 during that period?
3 A. Monitoring sea, wind, sails, autopilot, GPS,
4 radar.
5 Q. Did Ron, when he was at the steering station,
6 operate the vessel's wheel or throttle at any
7 time during that period?
8 A. No.
9 Q. What was he doing at the steering station during
10 that period?
11 A. He was monitoring the instruments to make sure
12 that they were functioning and on.
13 Q. Did you sleep at any time during that period?
14 A. Between 8:00 and 10:00 -- 8:00 and 12:00?
15 Q. Yes.
16 A. Yes.
17 Q. Did Ron sleep at any time during that period?
18 A. Yes.
19 Q. Was Ron seasick at any time during that period?
20 A. Yes.
21 Q. What were his symptoms during that period?
22 A. Nausea, vomiting, but still eating and drinking
23 water.
24 Q. Was anything done to treat his symptoms? Or was

0208

1 he administered any medication?
2 A. No, nothing in addition to food and water.
3 Q. Did you consume any food or drink during that
4 period?
5 A. Yes.
6 Q. Was the vessel's radar on during that period?
7 A. Yes.
8 Q. Was the vessel's VHF radio still functioning
9 during that period?
10 A. As best -- to the best of my knowledge, yes. We
11 could still receive traffic.
12 Q. Was the -- were the vessel's GPS units still
13 functioning during that period?
14 A. Yes.
15 Q. Can you give any estimate without guessing how
16 many miles you were from Puerto Rico at any time
17 during that period?
18 A. No.
19 Q. Can you give any estimate as to how far -- how
20 many miles you were from any point of land during
21 that period?
22 A. No.
23 Q. Was the autopilot in use during that entire
24 period?

0209

1 A. Yes.

2 Q. All right. Turning to the period of noon to 4:00
3 p.m. on the 16th.

4 Can you tell me what your vessel's general
5 course was during that four-hour interval?

6 A. What are we -- I'm not --

7 Q. I'll ask the question in full so you'll know what
8 time we're talking about.

9 Do you remember the vessel's general course
10 during the period of noon to 4:00 p.m. on the
11 16th of December?

12 MS. NIEMEYER: To clarify, Michael, the 16th
13 was Monday; correct?

14 MR. GOLDMAN: I believe it is, yes. Was,
15 yes.

16 THE WITNESS: Well, can you run that again.
17 I'm getting little bit tired here.

18 MR. GOLDMAN: Yes. Of course. One second.
19 (Pause in the proceedings.)

20 MS. NIEMEYER: And, Mr. Goldman, I'm not
21 going to interrupt to stop questioning during a
22 pending question, but considering that
23 Mr. Andersson seems to be completely losing it
24 with exhaustion right this moment, perhaps we can

0210

1 take a break after this one.

2 MR. GOLDMAN: Absolutely. We can do 15
3 minutes if you want. That's fine. Considering
4 that we're going at a slightly quicker pace, I
5 think we can end this today if you're willing to
6 keep going.

7 What do you think?

8 THE WITNESS: Yeah.

9 MR. GOLDMAN: Okay. Let me put the pending
10 question again, and then we'll take a break.

11 BY MR. GOLDMAN:

12 Q. During the period of noon to 4:00 p.m. on the
13 16th of December, do you recall the vessel's
14 general course during that period?

15 A. When you say "general course," can you sort of
16 define that a little.

17 Q. I can. In which direction did the vessel
18 generally travel during that period?

19 A. Northeast by north.

20 MR. GOLDMAN: Splendid. Break.

21 MS. NIEMEYER: Okay. So 15 minutes. We'll
22 be back at quarter after 3:00.

23 (Recess was taken from 3:01 p.m. until 3:19 p.m.)

24 BY MR. GOLDMAN:

0211

1 Q. All right. Mr. Andersson, from the period of
2 6:00 p.m. to midnight on the 14th, what was your
3 vessel's general course during that period?
4 A. Well, generally easterly. It could be, you know,
5 if -- I could be -- it could be a little bit
6 south of due east, but it is in that general
7 direction.
8 Q. And what was your vessel's average speed during
9 that period?
10 A. That I'm not sure of.
11 Q. Do you remember the general direction of the wind
12 during that period?
13 A. That was from the east.
14 So when you say direction, we usually do it
15 the other way around; so sorry about that.
16 Q. That's quite all right. Please explain it to me
17 real quickly if you can.
18 A. When you say what is the wind, it's easterly,
19 meaning it's coming from the east and going to
20 the west.
21 Q. Understood.
22 A. That's why we have the saying in Boston that if
23 you have northeasterly, you're cold.
24 Q. Got it. Forgive me for repeating myself.

0212

1 Do you recall the average speed of the wind
2 during that period?
3 A. No, it was maybe a slight over 10. 12 maybe.
4 I think I said that. I'm not sure. But
5 around there.
6 Q. Do you remember the maximum gusting speed of the
7 wind during that period?
8 A. No.
9 Q. Do you remember the average height of the waves
10 or swells during that period?
11 A. No.
12 Q. Do you remember the average length of time
13 between each wave or swell during that period?
14 A. No.
15 Q. Do you remember the general direction of the
16 waves or swells during that period?
17 A. The direction was westerly.
18 Q. From west --
19 A. No, west -- you said the direction was westerly.
20 If the wind is from east to west, the waves
21 usually go the same way.
22 MS. NIEMEYER: Mr. Andersson, I'm going to
23 instruct you one more time not to guess.
24 Just don't guess. If you know, you know. If

0213

1 you don't know, you don't know.
2 THE WITNESS: Yeah, okay. I don't know.
3 BY MR. GOLDMAN:
4 Q. Do you remember the general direction of the
5 waves or swells during that period?
6 A. No.
7 Q. Do you remember the general direction of the
8 current during that period?
9 A. No, I do not.
10 Q. Do you remember the general speed of the current
11 during that period?
12 A. No.
13 Q. Did you or Ron make any entries in the logbook
14 during that period?
15 A. No. Nothing in addition to the GPS.
16 Q. Were any of the vessel's sails up during that
17 period?
18 A. I don't recall.
19 Q. Were you on the port or the starboard tack during
20 that period?
21 A. I don't know. If there's no sail up, you're not
22 on a tack.
23 Q. That's what I thought. But I had to be sure.
24 Were both of the vessel's engines in use

0214

1 during that period?
2 A. Yes.
3 Q. Can you -- do you remember the average RPM of the
4 vessel's engines during that period?
5 A. No.
6 Q. Do you remember the maximum RPM at which the
7 vessel's engines were operating during that
8 period?
9 A. No.
10 Q. Were you at the steering station of the vessel at
11 any time during that six-hour period?
12 A. Yes.
13 Q. Did you operate the vessel's wheel or throttle at
14 any time during that period?
15 A. No.
16 Q. What were you doing at the steering station
17 during that period -- during the times you were
18 standing at it?
19 A. Observing the traffic around, observing the --
20 monitoring the instruments.
21 Q. During that period, was Ron ever at the steering
22 station?
23 A. From what? 6:00 to 10:00 or 6:00 to 12:00?
24 Q. 6:00 to 12:00.

0215

- 1 A. No. Not alone. Sorry. Not alone.
- 2 Q. Did you sleep at all during that period?
- 3 A. No.
- 4 Q. Was -- did Ron sleep at all during that period?
- 5 A. No.
- 6 Q. Was Ron seasick at all during that period?
- 7 A. No.
- 8 Q. Did you or Ron consume any food or drink during
- 9 that period?
- 10 A. I don't remember.
- 11 Q. Was the autopilot in use during that entire
- 12 period?
- 13 A. Yes.
- 14 Q. All right. Going to the period of midnight to
- 15 6:00 in the morning on the 15th.
What was the general direction of your vessel
- 16 during that period?
- 17 MS. NIEMEYER: Michael, I'm going to ask,
- 18 we've already covered that time frame as I recall
- 19 both in two-hour increments and in four-hour
- 20 increments.
- 21 MR. GOLDMAN: Yes, and --
- 22 MS. NIEMEYER: Is it necessary we do it again
- 23 in a six-hour increment?

0216

- 1 MR. GOLDMAN: It's necessary because -- well,
- 2 tell me -- let's go off the record.
- 3 (Recess was taken from 3:25 p.m. until 3:29 p.m.)
- 4 BY MR. GOLDMAN:
- 5 Q. During the period of midnight on the 15th to 6:00
- 6 in the morning on the 15th, do you recall your
- 7 vessel's general course?
- 8 A. The majority of that time it was 55 degrees.
- 9 Q. Do you recall your vessel's average speed during
- 10 that period?
- 11 A. No, I do not.
- 12 Q. Do you recall your vessel's maximum speed during
- 13 that period?
- 14 A. No, I do not.
- 15 Q. Do you recall the general direction of the wind
- 16 during that period?
- 17 A. Easterly. From the east.
- 18 Q. Do you remember the average speed of the wind
- 19 during that period?
- 20 A. No.
- 21 Q. Do you recall the gusting speed of the wind
- 22 during that period?
- 23 A. No.
- 24 Q. Do you recall the average height of the waves or

0217

1 swells during that period?
2 A. No.
3 Q. Do you recall the average length of time between
4 each wave or swell during that period?
5 A. No.
6 Q. During that period, what was the -- from what
7 general direction did the waves or swells come
8 from?
9 A. East.
10 Q. During that period, what was the general
11 direction of the current?
12 A. I don't know.
13 Q. During that period, what was the average speed of
14 the current?
15 A. I do not know.
16 Q. During that period, did you make any entries in
17 the vessel's logbook?
18 A. Not in addition to the GPS.
19 Q. Were both of the vessel's engines in use?
20 A. Yes.
21 Q. Do you recall the average RPM of the vessel's
22 engines during that six-hour period?
23 A. No, I do not.
24 Q. Do you recall the maximum RPM at which the

0218

1 vessel's engines were operated during that
2 period?
3 A. No.
4 Q. Were you at the steering station at any point
5 during that period?
6 A. Yes.
7 Q. Was Ron at the steering station at any point
8 during that period?
9 A. Yes.
10 Q. Was Ron asleep at any point during that period?
11 A. I'm not sure. I don't know.
12 Q. Was Ron at the steering station at any point in
13 that period when you were not?
14 MS. NIEMEYER: Can you clarify the time frame
15 again just to be sure.
16 MR. GOLDMAN: Midnight to 6:00 on the 15th.
17 THE WITNESS: Say the question again,
18 please.
19 BY MR. GOLDMAN:
20 Q. At any point during that period was Ron at the
21 steering station when you were not?
22 A. I don't remember.
23 Q. Was Ron at the steering station while you were
24 asleep?

0219

- 1 A. During that period?
- 2 Q. Yes.
- 3 A. Yes.
- 4 Q. During that period, did you operate the vessel's
- 5 steering mechanism or throttle?
- 6 A. No.
- 7 Q. During that period, did Ron operate the steering
- 8 wheel or throttle?
- 9 A. No.
- 10 Q. During that period when Ron was at the steering
- 11 station, what was he doing at the steering
- 12 station?
- 13 A. Monitoring radar, GPS.
- 14 Q. Was Ron seasick at that point?
- 15 A. No.
- 16 Q. Did you or Ron consume any food or drink during
- 17 that period?
- 18 A. I don't recall.
- 19 Q. Do you recall your average distance from Aruba
- 20 during that period?
- 21 A. You said 12:00 to 6:00. No, I don't.
- 22 Q. Was the autopilot in use at any point during that
- 23 period?
- 24 A. Yes.

0220

- 1 MR. GOLDMAN: Hold on one second. Then we'll
- 2 go to the next period.
- 3 (Pause in the proceedings.)
- 4 BY MR. GOLDMAN:
- 5 Q. Okay. Turning to the period of 6:00 in the
- 6 morning until noon on the 15th, do you recall the
- 7 vessel's general course during this period?
- 8 A. 55 degrees.
- 9 Q. Do you recall the vessel's average speed during
- 10 this period?
- 11 A. No, I don't know.
- 12 Q. Do you recall the vessel's maximum speed during
- 13 that period?
- 14 A. No, I do not.
- 15 Q. Do you recall the direction of the wind at any
- 16 time during that period?
- 17 A. Coming from east.
- 18 Q. Do you recall the average speed of the wind at
- 19 any time during that period?
- 20 A. No.
- 21 Q. Do you recall the gusting speed of the wind at
- 22 any time during that period?
- 23 A. No.
- 24 Q. Do you recall the average height of the waves or

0221

1 swells at any time during that period?
2 A. What is this, Sunday morning?
3 Q. Yes. Excuse me. Yes, Sunday morning.
4 A. What, 6:00 to 12:00?
5 Q. Yes.
6 A. Okay. No, it's getting a bit blurry for me here
7 now.
8 Q. I understand. Take your time.
9 A. Yeah, I don't remember.

10 MS. NIEMEYER: I'm going to interject at this
11 point and ask Mr. Andersson, are you comfortable
12 proceeding?

13 When you say things like it's getting a
14 little blurry for me, I'm concerned you're having
15 trouble focusing.

16 MR. GOLDMAN: I'm happy to break.

17 THE WITNESS: Say it again.

18 MR. GOLDMAN: I'm sorry. I spoke over you,
19 but I was going to say I'm happy to break for the
20 day and pick this up next time.

21 THE WITNESS: Okay.

22 MS. NIEMEYER: Let's do that. I -- you know,
23 I don't feel right having a situation where the
24 witness is too tired to focus and --

0222

1 MR. GOLDMAN: Absolutely right.

2 MS. NIEMEYER: You know, it's been a very
3 long day.

4 MR. GOLDMAN: It certainly has. Completely
5 right. Let's call it for the day, and we'll pick
6 it up not next week but the week after; correct?

7 MS. NIEMEYER: Do you want to choose a date,
8 the 15th through the 17th?

9 MR. GOLDMAN: Let's do it. Let's go off the
10 record. We're done.

11 (Andersson Exhibit No. 29 was marked for
12 identification.)

13 (Suspension of proceedings at 3:36 p.m. this date.)

14

15

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18

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20

21

22

23

24

21 Dated at _____, this ___ day
22 of _____, 20___.
23

24 Martin Andersson